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### SOME PROBLEMS AND PROSPECTS OF PLANNING THE UPAZILA HEADQUARTERS

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#### Introduction

The Government has placed great emphasis on development at the Upazila level, and part of this has included the preparation of Land-Use/Master Plans for the Upazila Headquarters (HQs). These HQs are mostly large bazar or small-to-medium towns, and till now most of them have never had master plan prepared before.

The preparation of these plans for the HQ's is a major programme, being supervised by Urban Development Directorate (UDD) under the Ministry of Works, and carried out mainly by local consulting firms. The objectives of these plans have been spelt out in the Terms of Reference (TOR) given to the consultants, and in summary are aimed primarily at achieving a harmonious and planned development of the Upazila centre, as well as providing facilities and services to the surrounding rural areas, thus helping to attract the rural migrants who would otherwise go to the large cities.

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In other words the master plans are primarily town plans aimed at ensuring a good future urban environment. The means of achieving this is to be through a land-use map (similar to a zoning map), which is to be implemented through building and land-use controls, and also the provision of infrastructure (roads, electricity etc.) and the acquisition of land for public purposes (eg. parks, schools, roads, hospitals etc.). In fact, the implementation can be linked to a 'stick and a carrot to move an animal'—the building controls are the 'stick' and the infrastructure and land acquisition are the 'carrot'.

But in spite of the priority being given to these master plans, and the genuine efforts of Government administration and consultants alike, how effective are these plans really going to be, and what are the prospects that they will achieve the aim of good future urban development in the Upazila Headquarters (HQs).

### Some Key Problems

One of the key problems which these plans will face is that of compensation for loss of land rights through planning control. In their plans the consultants are zoning private land for different future uses: road layouts, parks, schools, health centres and so on. But what will be the likely reaction of the land owner when they find their land has been allocated, say, for a future health centre? They certainly will not be happy. They may build on it quickly—at worst they would get higher compensation when the government purchases their land; at best, the government may be forced to abandon the idea of a health centre there altogether. Alternatively, the owner may demand that, since he is not allowed to build, the government must immediately purchase his land so that he can build at some other location. But in nine cases out of ten the government will not have the funds available to purchase, so they will have to drop the zoning and let him build.

We could say..... "but the Upazila Nirbahi Officer (UNO) has legal powers to control all building" activity within a one mile radius of the HQ. But why should we expect that the UNO will be better at controlling building activity than organisations such as Dhaka Improvement Trust (DIT) and Dhaka Municipal Corporation (DMC), which have not managed to regulate new building development in many parts of the capital city. Rayer Bazar, Basabo, Gandaria, and Old Dhaka are all areas which have grown up almost entirely without any form of control, in spite of the Dhaka Master Plan of 1959.

A second key problem is that of forecasting future land-use. The consultants have been given guideline planning standards to help them in allocating land for future population, for example the TOR suggests one acre of open space per 1000 population, 2 acres for primary schools per 5000 population, and so on. But there are problems in applying these standards. Firstly, a uniform standard does not allow for variation between one HQ and another, or between inner neighbourhoods (where land is expensive) and outer neighbourhoods (where land is cheaper). Standards do not recognise that land can be used more intensively, for example through vertical building, or introducing a shift-system (in schools), or multi-use of offices and community centres.

Further more, it is very difficult indeed to forecast future land-uses and land requirements for 20 years ahead. Just because a master plan says land will have a certain use does not mean that it will necessarily happen in practice. It is hard enough to forecast the future population, let alone where the future population, will locate. (Will it be within the existing area, or in new fringe areas?) It is also difficult to predict how much land different government departments will require in future. Take health for example, will the government emphasise a main central health centre, or prefer smaller sub-centres dispersed in the neighbourhoods? Either approach has different land requirements.

Hence forecasting future land requirements is a very hazardous and approximate business, and the assumptions on which these forecasts are based are soon out of date. The Dhaka Master Plan of 1959 predicted that Dhaka's population in 1978 would be 8,94,000 whereas in fact it was 16,80,000 by 1974. So the master plan for the Upazila HQs should not be a rigid blue-print specifying each and every land-use for the next 20 years, but a document with some flexibility that can be modified from time to time. The British Planning system encountered these same problems in the 1950's and 1960's, and consequently the Structure Plan and Local Plan approach were adopted.

A third key problem is that of checking and approving the Upazila HQ plans. Since these will try to regulate all future land uses and therefore affect people's property rights, there has to be provision for checking the plans in a proper manner, and allowing people (individuals) to appeal if they think they have been unfairly treated. Indeed, all of the planning laws of Bangladesh contain a provision allowing appeal.

But how far is UDD, the supervising and approving authority, in a position to properly check all of the plans? There are so many plans to be checked, and only a limited number of staff available, and in any case it is difficult to approve or disapprove if one is not familiar with all the land in question (which of course is not possible). Hence people's land rights are being affected by these new plans, but the mechanisms for ensuring that fairness and legality as observed are very weak.

### Prospects

How far these Upazila master plans will succeed in ensuring a good future urban development, therefore, depends crucially on whether the problem of compensation can be tackled, and also whether an appropriate building and land-use control system can be introduced where, till now none has existed.

It would be unwise to assume that the level of building and land-use control practised in the West, for example in United Kingdom (UK), would work here in Bangladesh. In the UK the local government has very extensive powers to control the type of land-use and the type of building permitted, and they do not have to pay compensation if permission is refused. Hence if a farmer, for example, wishes to build some urban houses

on the edge of a town, the local government can if they wish refuse permission, if there are good planning reasons for doing so, and it is the farmer's hard luck. No compensation is paid, for he has not lost the land, simply he was not the lucky one chosen for getting the urban land-use and hence the urban land value.

But this system in the UK of not paying compensation has only operated since 1947. Before compensation was payable for the loss of building rights.\* Hence in the 1930's the British planners had to make master plans which never said 'no', they made excessively generous allocations of land for urban development so as to avoid having to pay compensation. Hence the 1930's plans were quite ineffective.

In Bangladesh today, most of the plans are not implemented except where the Government owns the land. Hence in Dhanmandi the roads are 40' wide, but the moment you enter Rayerbazar the road width shrinks to 12', because the land is privately-owned and government has not got the owner in practice to enforce set-back.

For the growing Upazila HQs it seems unlikely that the proposals for future public land-uses such as parks, schools and roads will be implemented unless the Government also purchases the land.

A 40' wide road will not happen by building controls alone. But Government purchase of land for public purposes also introduces the problem of betterment. The public facilities provided greatly increase the value of the surrounding properties (ie. the properties enjoy 'betterment'). Their land value goes up (without any expense from the owners) while the Government incurs, a huge cost of providing the land and facilities. The obvious solution is to make a change on the beneficiaries (ie. a 'betterment tax'), and provision for such a tax exists in Bangladesh law. But in common with most other countries, it has proved difficult if not impossible to administer in practice.

However, even without 'Betterment' urban land values will still escalate rapidly. In Savar the land values increased 40-fold in eighteen years (1960 - 1978) on average, and 100-fold in some places. So the cost to the Government of purchasing land for the necessary roads, parks, schools etc. will become more and more prohibitive, and 'Rayerbazar' will be the rule rather than the exception in the future.

One step to tackle this problem (among several possible) might be as follows: to declare when the Upazila Master Plan is published, that land shown in the plan as being for a

\* In the early 19th century in Britain, however, there was no compensation paid for building controls which demanded 'good neighbourliness', for example proper drainage, limits to over crowding etc. Gradually through the 19th century the definition of 'good neighbourliness' for which compensation was not paid was widened and widened, until finally in 1974 the right to determine land-use was made a local government prerogative.

future public use carries with it the commitment and requirement that the government (ie, the appropriate department) must purchase the land. However, the value of the land thus shown is frozen at its existing use and present value. Whatever the value of the land has at the time of publication of the plan, this is the value (adjusted upwards for normal inflation) which the government will pay when it acquires the land plus a 20% bonus for the forced nature of the sale, as required by the current land acquisition law of 1983.

This way the landowner receives a fair price for the land, but the government is able to designate land in advance of requirements while it is still non-urbanised and relatively cheap, and then purchase it later when the funds become available.

However, under this system there might be a temptation on the part of the government departments to designate more land than they need, and it would be unfair to landowners if their land was designated for public use, and then the government did nothing to purchase land and finally dropped the designation. One way of curbing this temptation would be to make compensation payable by the Government for non-purchase. But a better alternative would be to put a maximum 'life' on the designation—say 10 years—after which the designation lapsed and could not be renewed. In other words, once a master plan is published, the land for the different public land-uses shown (eg. bus station, roads, parks, new government housing estate etc.) can be acquired within 10 years at the present value,\* but if not purchased within 10 years, owner would have the right to develop the land himself for a reasonably suitable land-use.

It would be fair for landowners to have the right to insist that government must purchase their land once it is designated, and there is a risk that when the plan was published owners would demand immediate purchase hoping that the government would not have sufficient funds. But quite probably this would not be a widespread occurrence because landowners would be able to enjoy the full use of the land until acquisition, and in any case the value of compensation would increase in line with the cost of living, so the owners would not lose much by waiting. And if they held on to the land there would be a chance that the Government would not purchase it anyway.

Linking the designation of public land-uses to a requirement of purchasing the land would encourage the Government departments to be economical in their proposals for public land allocations. (Many of the consultants' master plans, following the standards recommended in the TOR, have made unrealistically generous land allocations for schools, roads, parks etc., which have little chance of being implemented in practice.) Freezing the land compensation value at its present value takes out the element of betterment while still giving the owner a fair price. It makes land cheaper for local government and other departments to purchase and therefore holds out a prospect of achieving better standard of environment. Designating suitable sites for public land-uses is something which local government can do quite well (as they know the land) and as it would be their funds that were used for the land purchase, it also helps to decentralise responsibility to the local level.

\* Plus normal cost of living inflation plus 20%

Such a measure discussed above would require legislative changes. It would require the setting-up of a central government fund from which local governments could borrow or receive grants (depending whether the public land-use was remunerative or not). Nor would such a measure prevent other government land acquisition in the normal manner as and when necessary, and building controls (eg. set-back, height units, density limits, water and sanitation connections. etc) would continue to operate.

There are other approaches to the problem of compensation and betterment (eg. reconstitution of plots, land banking, taxing capital gains etc.), which are not discussed here. But if the Upazila HQ master plans are to be a success, this problem has to be grappled with, and a decision has to be made at the top level, **HOW MUCH CONTROL OVER BUILDINGS AND LAND-USE CAN BE EXERCISED WITHOUT PAYING COMPENSATION ?** At present the law says 'full control with no compensation', following the current British model. But since building control in most places in Bangladesh is simply not taking place the question of compensation does not arise in practice. But now is the time we should decide.