

**Critical review of Laws & Regulations of Mirsharai
and Baroiarhat Paurashava**

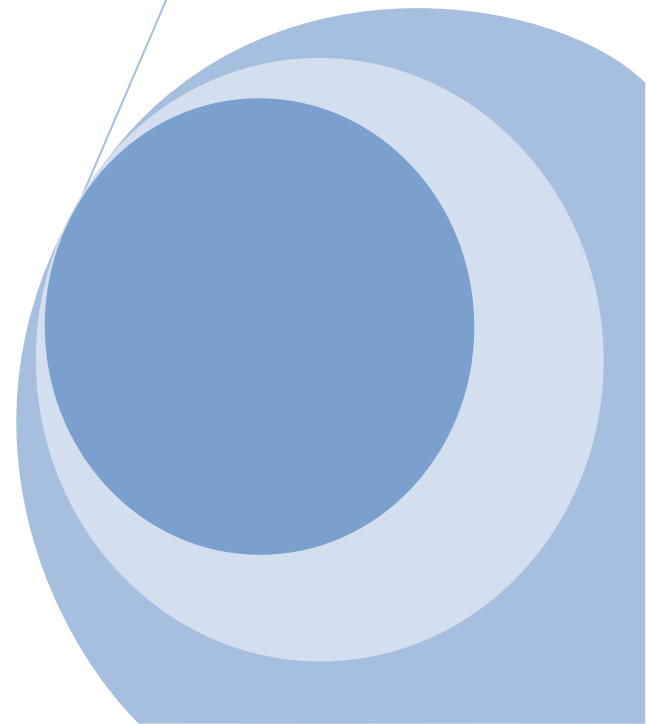
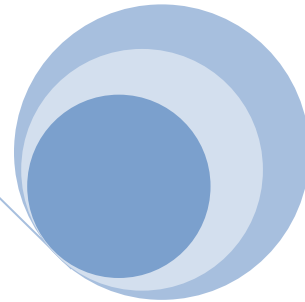
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Serial No & Name:	Page No:
1.1 Final Land use Plan (1986)	1
1.1.1 Mirsarai Upazila Shahar:	1-2
1.1.2 Assessment:	3-4
1.1.3 Master Plan of Mirsharai Paurashava (2011-2031)	4-5
1.1.4 Master Plan of Baroiarhat Paurashava (2011-2031)	5
1.1.5 Assessment:	5
1.1.6 Comparative Analysis:	6-7
1.2 Development:	7
1.3 Population Management	8
1.4 Agriculture	8-9
1.5 Tourism	9
1.6 Industry	9-10
1.7 Housing	11
1.8 Environment	11-16
Reference	17

1.1 Final Land use Plan (1986)

1.1.1 Mirsarai Upazila Shahar:

Summary: The Government of People's Republic of Bangladesh's decision to imply administrative functions and development features at the Upazila level of the country. The -could serve the purpose. Therefore, government has established a considerable number of agencies and authorities at Upazila centre.

Because of the increased number of agencies and authorities present at the Upazila centre, the landuse change took place, as well as population growth at the centre and in the immediate vicinity. This demanded social infrastructure development together with housing.

The Upazila centre became a township where planned management of land, location of services, transportation network was needed. The planning had to serve policy for decentralization of administration and management of spatial consequences at Upazila level. This landuse plan came through because of these reasons.

The plan was based on two plans: Land Use Plan and Detailed Design of Central Urban (Shahar) Area

The planning technique were generally the usual physical planning approaches.

The major aspects of Upazila planning assignment were

- Study of Hierarchy of settlements
- Preparation of Plans
 - Land Use Plan
 - Civic Area Design

The planning process in Bangladesh was to consider both projection of and estimate the redistribution of population, so a rational view of the hierarchy of human settlements was done for this plan.

3 types of survey were done for this plan: Reconnaissance survey, Identification of study area, Landuse survey.

Landuse and changing character of township in case of landuse survey and human settlements number and their distribution in the case of study of hierarchy of settlements were done.

Population projection (High, Medium and Low) of study area, catchment area and Upazila was done as well as projection of economic development activities under public and private sector for 5 years plan and prospective plan was made.

Detailed Land Use Sections:

- Residential
- Administrative/ Other Offices
- Health
- Education
 - Primary
 - Secondary
 - College and others

- Recreational
- Commercial
- Industrial
- Roads, Access
- Urban Services
- Others: (Mosque, Graveyard, Cemetery etc.)

Priority Concern

The land use plan was thought out of the concentrations of growth points within the zila region. The sectoral development priorities were:

- ✓ Drainage channels within the Upazila shahar are to maintained and such activities are to be given priority
- ✓ Investments for the Upazila Shahar should be made in such a way that achievements would generate associated development
- ✓ Basic developments have been proposed in terms of commercial developments and small-scale industries utilizing resources of the Upazila.
- ✓ The low laying areas within the Shahar areas are to be developed in such a way that there is a tradeoff between costs of development and income in the long run.

The plan was to be implemented in some phases at the interval of 5 year from 1985 to 2000, which relates to the national 5-year development plan.

1.1.2 Assessment:

- **Absent of systematic planning:** The final land use plan was developed through study of hierarchy of settlement and land use plan and civic area design. The process of following hierarchical planning system like Structure plan > Urban Area Plan > Ward Action Plan is absent.
- **Less detailing:** The level of detailing in this plan is lower than detailed area plans at present time.
- **Less classified land use:** The given classification of the land use in the plan is less than there is present, creating a gap in actual land use.
- **Use of traditional physical planning:** The plan follows traditional physical planning approach. The present approach is to follow inclusive planning process with a favour to public participation.
- **Emphasized on small or a partial area:** The plan is designed in a way that the Upazila sahar is the focal point for development with a catchment area of 2.5-3 miles with required adjustments.
- **Lack of assessment:** The survey for this plan only includes reconnaissance survey, identification of study area and land use survey. This reduces the assessment quantity and quality of the Plan. More studies could increase the detailing of the plan.
- **No control measures of future growth of industry:** The priority actions of this plan are basic development based on commercial basis and small-scale industries. The plan does not show any indication of control measures for future growth of industries within the Upazila.
- **Lack of public opinion:** The plan is based on data derived from reconnaissance survey, identification of study area and land use survey. The surveys are not reflective of the public opinion of the development plan. So, it cannot be said that this plan extensively mirrors the public opinion.
- **No introduction of grid-iron plan:** The urban structure proposed in this plan is to be grid-iron based. There is no explanation on why this structure was proposed and the impact of this urban structure design on future growth is not calculated.
- **Gap in projected population & real population in 2001:** Population projection system for this plan is linear. Migration is estimated for this plan. This leaves place for inaccuracy in planning, creating complication for future development.

Census: 22,986

Projected: low- 15,798 medium-26,418

- **Nonspecific Jurisdiction Area:** The jurisdiction area of this plan is based on catchment areas and attraction point. A capable local government organization like Paurasava was

not formed at the time of preparation of the plan. This prevented the plan to be more precise on jurisdiction and development control.

- **Basis of plan:**The plan is a guideline for future development, not an instrument.

1.1.3 Master Plan of Mirsharai Paurashava (2011-2031)

Summary: The Ministry of Local Government, Rural Development & Cooperatives prepared the Master Plan of Mirsharai Paurashava (2011-2031) under the project named Upazila Town Infrastructure Development Project.

Master Plan of Mirsharai Paurashava(2011-2031) aimed to locate Upazila headquarters, to promote infrastructural facilities. The main purpose of this master plan was to prepare land use plan. It is a 'B' category paurashava.

This master plan systematically was divided on three stages:

- Structure Plan (20 years)
- Urban Area Plan (10 years)
 - Land Use Plan
 - Transportation and Traffic Management Plan
 - Drainage and Environment Management Plan
 - Plan for Urban Services
- Ward Action Plan (5 years)

Before making the master plan, some of the important assessments had been done with the help of some criteria. Those are:

- Future Growth
 - Population
 - Economic opportunities
 - Land Uses (Demand Analysis)
 - Housing demand

Some other basic strategic options that influenced future growth like Social, Economic, Environmental, Physical infrastructural development, urban services etc.

Structural plan aimed to develop overall paurashava considering major sectors. It preferred to conserve and protect productive agricultural land, low land, ponds, drainage paths, hilly areas

Urban Area Plan insisted on land use plan along with agriculture land, water body, and urban residential zone. Transportation and traffic management plan consisted of the plan proposal of road circulation of 9.46% lands with the basis of traffic volume projection up to 2031.Preserving natural channel and streams, landfill system for solid waste management and a planned drainage network were emphasized in this proposal on Drainage and Environment Management plan

Ward Action Plan consisted of the proposal of ensuring services to citizen within (1-2) km range; develop neighborhood market, schools, colleges, small scale industry, super market etc.

1.1.4 Master Plan of Baroiarhat Paurashava (2011-2031)

Despite some numerical dissimilarity, Master Plan of Baroiarhat Paurashava (2011-2031) had very much similarity with the master plan of Mirsharai paurashava in the planning procedure, pre-assessment system, planning laws & regulations etc. It emphasized on rural settlement zone in Land Use Plan where as in Mirsharai Paurashava's Land Use plan emphasized on urban residential zone. In ward action plan, community facilities and services were considered and an agro-based industry was proposed in the Baroiarhat Paurashava master plan.

1.1.5 Assessment:

- **Unclear priority selection process:** When development plan is being selected, the priority basis for development of that plan is not mentioned properly.
- **Don't mention monitoring system:** Monitoring system of on-going development project is not mentioned in the master plan.
- **Depend on linear projected population:** Linear population projection is done for developing the plan, and the plan is based on projected population. Other influence didn't assess.
- **Don't mention migration concept:** Migration technique is not considered in the process of population projection for the development of the master plan, which creates gap in development plan.
- **Don't introduce site development scheme:** as per Paurashava Ordinance Act, 2009, the plan hasn't introduce site development scheme.
- **Environmental assessment:** adverse impact on environment in future will not assess. IEE could be done.
- **Effect of extension:** agricultural land have been reduced in proposed plan. There is no geographical analysis for proposed extension & reduction of agricultural land.
- **Up to bottom approach:** not follow bottom to up approach.
- **Lack of following policy:** no provision of welfare services for elder & poor, no historical survey.

1.1.6 Comparative Analysis:

1. **Jurisdiction area:** The final land use plan of 1986 was focused on the Upazila shahar and its surrounding catchment area of about 2.5-3 miles. Paurasvas were not established at that time.

The Master Plans of Mirsharai Paurashava and Baroiarhat Paurasava is focused on the paurasva areas and the wards under the paurasava.

2. **Goal:** The Final Land Use Plan of 1986 was Prepared as The Government of Bangladesh wanted to reach the rural people by implying administration and development functions at the Upazila level. The plan was formed to facilitate multiple agencies, authorities and organizations at the Upazila with a planned structural development.

The Master Plans of Mirsharai Paurashava and Baroiarhat Paurasava are prepared for the improvement of current land use in the paurasavas with a view to facilitate and manage future expansion of the Paurasava land use.

3. **Basis:** The Final Landuse Plan (1986) of Mirsarai Upazila Shahar was based on Study of Hierarchy of settlements and Preparation of Plans(Land Use Plan and Civic Area Design). This plan followed traditional planning techniques. This approach greatly reduced its ability to connect the people to the planning.

The Master plans of Mirsharai Paurashava and Baroiarhat Paurasava have a better & systematical planning approach.

4. **Planning process:** The Final Landuse Plan (1986) of Mirsarai Upazila Shahar was solely a land use plan for the Upazila shahar. The planning process was relatively simpler from the current Master Plans of Mirsharai Paurashava and Baroiarhat Paurasava which have structured process like Structure Plan, Urban Area Plan and Ward Action Plan.

5. **Migration concept:** The Final Landuse Plan (1986) of Mirsarai Upazila contained migration data for the Upazila. Though the data was speculated.

The Master plans of Mirsharai Paurashava and Baroiarhat Paurasava do not have that data.

6. **Assessment:** The Final Land Use Plan (1986) of Mirsarai Upazila assessed Study of Hierarchy of settlements, Land Use Plan Civic Area Design.

In the Master plans of Mirsharai Paurashava and Baroiarhat Paurasavaland use, physical feature, topographic, transport, drainage, environmental, socio-economic survey is included.

7. Projection: The Final Land Use Plan (1986) of Mirsarai Upazila projected the population in the sphere of influence, residence population of Upazila shahar, migrant labor force, and design population for housing.

In the Master plans of Mirsharai Paurashava and Baroiarhat Paurasava Population projection, demand analysis and housing demand is done.

8. People's participation: The Final Land Use Plan (1986) of Mirsarai Upazila did not include public participation in the planning.

The Master Plans of Mirsharai Paurashava and Baroiarhat Paurasava is done in top to bottom approach.

1.2 Development:

National Urbanization Policy:

The vision of the law is developing cities and towns through decentralized and effective local government, by identifying positive aspects of urbanization, strengthening them and tackling negative aspects in a planned way, achieving increasing economic growth through planned urbanization, with the participation of local citizens, including local bodies, civil society and backward communities.

Both Mirsharai and Baroiarhat Paurasavas are Semi Urban areas with agriculture being a big part of their economy. The migration of both Paurasavas are high. The development plan for the areas should follow the given guidelines from the policy:

- Preventing migration through coordinated planning and balanced urbanization and maintaining migration properly.
- High density neighborhoods have to be built in a planned manner by ensuring mixed and optimum utilization of land such as office and commercial area with residential area.
- To ensure the access of all the level income people including women, children, disabled people in all facilities and infrastructure
- Involve parks, rivers, canals, shelters, local wetlands, etc. in community planning.
- Conservation of sensitive / risky land resources by minimizing threatening activities for environmentally sensitive areas.
- Safe management of potentially disaster-prone areas through environmental management practices in urban areas.

1.3 Population Management

Bangladesh Population Policy 2012

The policy aims to manage and develop Bangladesh population in a planned manner for a healthy, happy, prosperous Bangladesh.

In case of Barrihat municipality population, 58.86% of the population is males and 41.14% are females. It is also seen that the maximum number of population is in the age of 26-57 years.

In Mirsarai Municipality, 53.3% of the population and 46.7% of females are women. More in the municipality 36.50% of households surveyed are between 26 and 57 years old.

The development plan for the areas should follow the given guidelines from the policy:

- Providing equal opportunities in health care, nutrition and job opportunities for men and women.
- In working areas of urban and rural areas development of day care centers and other child care facilities.
- To demoralize the development of housing and industries in agricultural lands.
- To decrease the imbalance between citizen advantages in rural and urban areas thus reducing current urbanization trend.
- To fix strategy considering population and environment in terms of social security. (5.7, 5.11)

1.4 Agriculture

National Agriculture Policy (2013):

The aims of National Agriculture Policy include ensure sustainable and profitable agricultural production, converting and continuing competitive agriculture through commercialization, creating opportunities for setting up agricultural products and setting new industries based on agriculture etc.

Landowners and agricultural laborers in the Barairhat paurasava is 31.9% of total occupation. In case of Mirsharai agriculture is the main source of income of 21.8% in Mirsarai Municipality.

The development plan for the areas will follow the given guidelines from National Agriculture Policy (2013):

- To take steps to provide suitable technical support for the Charland, haor-bower, water logged areas and coastal areas.
- The use of agricultural land for non-agricultural work will be controlled.

- To encourage modern environment-friendly technologies and infrastructure to be safe and sustainable future.
- To encourage agricultural products-based industries.
- To take steps to increase agricultural land by reclamation of water logged agricultural land, including reclamation of land in coastal areas. (5, 11, 13)

1.5 Tourism

National Tourism Policy (1992):

The objectives of the national tourism policy (1992) include extending the foreign exchange earnings by attracting foreign tourists; unveiling an accredited investment field for private capital, take steps for poverty alleviation through the employment of people, the development of the cottage industry and the enrichment and development of the country's culture and heritage.

The Baroirhat Paurasava has potential for tourism. The development plan for the area will follow the given guidelines from National Tourism Policy (1992):

- In order to improve the communication system on roads to religious or cultural sites priority projects will be undertaken by the concerned departments / agencies.
- Identification and development of special zones / places / islands for foreign tourists.
- In order to make the private sector interested in investing in the tourism industry, settlement of government land may be provided on long-term basis for the approved projects. (5.6.1, 10, 23.5)

1.6 Industry

The National Industry Policy (2016):

The objectives of the national industry policy 2016 include ensuring industrial growth through combined effort of Government and Public sector and ensuring income generating job opportunities through Industrialization and to take part in inclusive growth.

The economy of the Mirsharai planning area is of agricultural nature, which includes farming, fishery and social forestry. There are industrial and processing activities in the institutional sector, most of which have been developed along the Dhaka-Chittagong road. In case of Baroirhat, the main crops of this region are paddy. Preparation and marketing of bamboo and wood furniture and other products in small industries is the main source of local income.

The development plan for the area will follow the given guidelines from The National Industry Policy (2016):

- Making Small, Medium and Cottage industries the main driving force of industrialization and creating environment of their growth.
- Development of specialized industries through best use of area wise agricultural, wild, natural, marine resources.
- Giving more opportunities to female entrepreneurs.
- Unplanned Industrialization will be discouraged. Unplanned polluting industries will be shifted to Economic Zone gradually. Willing to shift industries will be given special given incentives.
- To develop ancillary industries in areas near economic zone, cottage, small and medium industry based industrial villages will be developed. (2.4, 6)

Bangladesh Economic Zone Act (2010)

The objectives of this policy include economic zone establishment in backward or potential areas thus encouraging fast economic development, industrialization, employment etc.

The economy of the Mirsharai planning area is of agricultural nature, which includes farming, fishery and social forestry. There are industrial and processing activities in the institutional sector, most of which have been developed along the Dhaka-Chittagong road. In case of Baroirhat, the main crops of this region are paddy. Preparation and marketing of bamboo and wood furniture and other products in small industries is the main source of local income.

The development plan of the Mirsharai and Baroiarhat area may follow the given guidelines from Bangladesh Economic Zone Act (2010):

- The government can declare a certain land area Economic Zone by publishing Gazette, but the area under the jurisdiction of City Corporation, Paurasava and Cantonment Board will have to be used to establish Information Technology related economic zone.
- To acquire land for the Economic Zone or Infrastructure for the zone, policies under Acquisition and Requisition of Immovable Property Ordinance 1982 will be used.
- Authority can order to create master plan for the land area Economic Zone which may include Export Processing Area, Domestic Processing Area, Commercial Area and Non-Processing Area.
- Developing backward linkage industry inside or outside the economic zone.
- Economic Zone developed under this law can include small and cottage industries or other types of institutions like agricultural farm. (5, 6, 7, 15, 19)

1.7 Housing

National Housing Policy (2016)

The target of this policy is to provide housing for all sectors of people in a way which is sustainable and it gives directions regarding Political, economic, social, environmental, technical aspect of housing.

The policy components are:

Planning, Land, Funding, Infrastructure, Human Resource Development, Management of Slums, Rural Housing, Social Housing for Hazard Prone area and Housing for Poor, Women and Elders. The policy does not policies include housing for high income people.

The study area is a semi urban area with an agriculture driven economy which is a hazard prone area of seasonal storms, cyclone and depression.

The development plan for the area will follow the given guidelines from National Housing Policy:

- It will consider housing for people with low income in rural parts adjacent to developed urban area excluding agricultural and environmentally critical lands.
- Housing projects will be done in accordance with land use determined in detailed area plan. River, Khal or Beel or their parts are forbidden for usage as housing development land.
- In hazard prone parts, strong useful housing materials will be considered for housing development.
- Creating Land Bank with Khas lands in Urban areas and in case of rural areas, with Khas land and Bars risen in rivers.
- People will not be displaced for development projects unless it is emergency and for public welfare.

1.8 Environment

Water Act (2013):

The act was constructed to make provisions for integrated development, management, abstraction, distribution, use, protection and conservation of water resources.

The Mirsharai paurasva has water bodies comprising of 203.15 Acre and Baroiarhat paurasva has water bodies compromising of 45.59 acre.

The development plan of Mirsharai and Baroiarhat will follow the given guidelines from the policy:

Under this Act

- “Water source” means any natural or manmade river, canal, beel, haor, baor, pond, lake, water fall or any other similar water source.
- “Khal” means any passage of inflow and outflow of water.
- Wetland means any land where water remains at the level of surface or close to it which inundates with shallow water from time to time and where grows such plants that may usually grow and survive in marsh land.
- For the convenience of the use of water, every individual shall have easement on any private or public land. Provided that No owner of the land near to bank of any water source shall have any right to its bottom, and foreshore.
 - Here, “foreshore” means any part of land lying in between the low water mark and high-water mark during ordinary spring tide of a year, and in case of river or sea port area as defined in Ports Act 1908, any part of land thereof which is 50 meters extended from the highest level of water to river bank, and in the cases of areas other than river or sea port, any part of land thereof which is 10 meters extended from the highest level of water.
- In violation of any provision of this Act or of any prohibition and condition of any protection order or of any clearance certificate, if any person or appropriate authority makes any construction or carries on land filling activities on water resources which creates impediments in the normal water course or changes the direction of such water course; the Executive Committee or any officer authorized by it in this behalf, notwithstanding anything contained contrary in any other law for the time being in force, may, to keep such water course natural, issue a removal order such person or authority for removing the infrastructure, or land filling materials or elements thereof, within the time specified in such order.
- No person or organization shall, without the permission of appropriate authority. Stop natural flow of any water course or create obstacles to such flow or divert or attempt to divert the direction of any water course by constructing any structure. Whether it is on the bank or not, of any water source, or by filling any water source or by extracting sand or mud from any water source.

National Forest Policy 1979:

The Government adopted The National Forest Policy recognizing that the development, maintenance and conservation of forests should be adopted in the interest of economic development and preservation of ecological balance in the country.

The Baroirahat Paurasava has preserved 147.95 Acres of land as Forest Land for environment and environmental beauty preservation.

The development plan will follow the given guideline from National Forest Policy (1979):

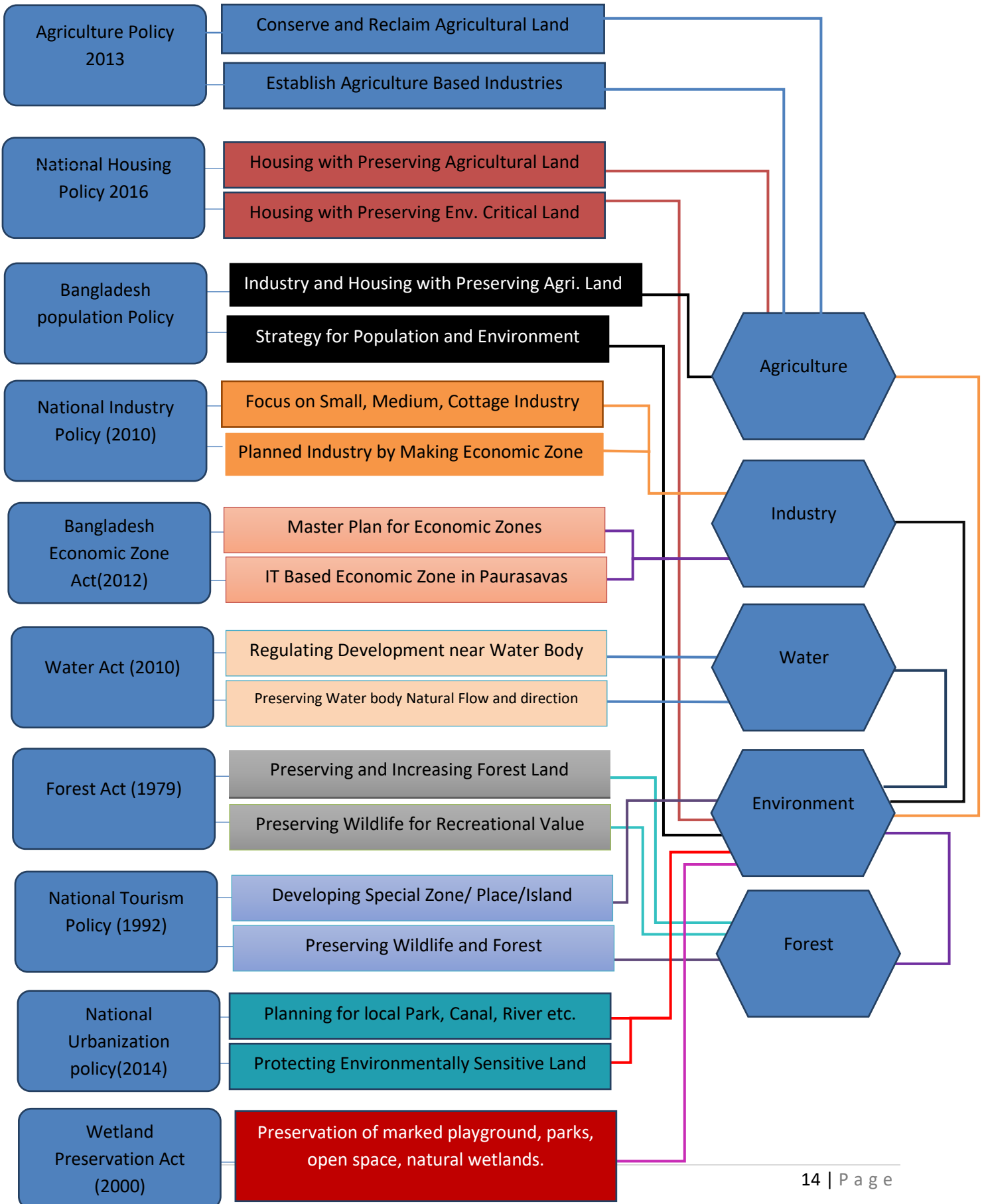
- All forest land in the country shall be carefully preserved and scientifically managed for qualitative improvement.
- Tree and timber wealth shall be increased by large scale planting through mass participation and optimum extraction of forest produce shall be undertaken to meet national requirement.
- Steps shall be taken for conservation of forests for protection of natural environment and preservation of wildlife and for full utilization of recreational potentialities of forests.

(law and custom on forests in Bangladesh, issues and remedies, Mohiuddin farooque, pg 11)

Wetland Preservation Act, (2000)

- Without the consent of this act the area which is designated as playground, open space, park and natural wetland, their classification cannot be changed or those cannot be used or cannot be handed over for rental, lease or in any other use purposes. If trees of a park are cut in such a way that it changes the basic characteristics of the park, it would be counted as class change of the park.

Flow Chart of Sector Wise Policies and Their Inter Connectivity



The National Agricultural Policy (2013) puts emphasis on conserving agricultural lands and controlling nonagricultural usage of agricultural lands. Establishing agro-product based industries and reclamation of agricultural land.

Bangladesh Population Policy mentions policy for demoralizing housing and industrial development on agricultural lands.

Housing Policy (2013) mentions housing for people in rural and urban areas excluding agricultural and environmentally critical Lands.

These policies emphasis on conservation of agriculture as well as environment.

National Industry Policy 2016 describes cottage, small and medium industries as the main focus of industrialization. Unplanned industries to be moved in Economic Zone.

Bangladesh Economic Zone Act (2012) urges to create economic zones around the country. The zones will have master plan for their land use. Backward linkage industries will be provided for the industries in economic zone.

These policies describe the guideline for industrial development of the country in a planned manner. The policies mention ways to make the industries more environment friendly, although the focus lies on industry development. So, they have main focus on Industry sector.

Forest Act (1979) declares all forest land in the country is to be protected. It also puts emphasis on preserving natural environment and wildlife.

National Tourism Policy (1992) gives guidelines about flourishing the tourism industry in our country. It urges to preserve forests and wildlife for their recreational value. It suggests to develop special zone/area/island for foreign tourists.

The Forest law and tourism policy are interconnected. The forest act dictates to preserve and expand forest and wildlife to reduce environment degradation and the tourism policy also include policy on forest and wildlife for their recreational value.

Water act (2010) gives guidelines for preserving water bodies and water sources. It defines various types of water body and regulates development around them.

Wetland Preservation Act (2000) was introduced to protect parks, open space, playground, natural wetlands marked by Paurasava or other Municipal authorities. It is forbidden by this law to change the use classification of these marked places.

National Urbanization Policy (2014) includes policies, which says to do planning for local park, river, canal etc. Preservation of environmentally critical lands is also included in the policy.

- The policies mention above directly connect to different sectors. They are: Agriculture, Industry, Water, Environment and Forest. The Agriculture, Industry, Water and Forest sector all work to preserve the environment through different guidelines. So, these policies are based in different sectors, while sharing a common base of environment protection.

Reference:

- National Urbanization Policy, § 3, 5, *et seq.* (2014).
- Bangladesh Population Policy , § 5.7, 5.11 et seq. (2012).
- National Agriculture Policy , § 5, 11, 13 et seq. (2013).
- National Tourism Policy , § 5.6.1, 10, 23.5 et seq. (1992).
- The National Industry Policy , § 2.4, 6 et seq. (2016).
- Bangladesh Economic Zone Act , § 5, 6, 7, 15, 19 et seq. (2010).
- National Housing Policy, § 4.2.1, 4.2.2, 4.8, et seq. (2016).
- Farooque, M. (1997). Law and custom on forests in Bangladesh, issues and remedies
- Natural Wetland Preservation Act, § 5 (2000).