

# **The Building Construction Act, 1952 (East Bengal Act)**

## **( ACT NO. II OF 1953 )**

**An Act to provide for the prevention of haphazard construction of buildings and excavation of tanks which are likely to interfere with the planning of certain areas in Bangladesh. <sup>1</sup>[<sup>2</sup>**

WHEREAS it is expedient to provide for the prevention of haphazard construction of buildings and excavation of tanks and cutting of hills which are likely to interfere with the planning of certain areas in Bangladesh;

It is hereby enacted as follows:-

**Short title,  
extent and  
commencement**

1. (1) This Act may be called the <sup>3</sup>[\* \* \*] Building Construction Act, 1952.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force,-

(a) in the areas to which notification No. 2306 L.S.-G., dated the 26th July, 1951, relates, on and from the date on which the East Bengal Building Construction Ordinance, 1951, as enacted and continued in operation by the East Bengal Expiring Laws Act, 1951, ceases to operate; and

(b) in other areas, on and from such dates as the Government may, by notification in the official Gazette, direct.

(4) The Government may, by notification in the official Gazette, withdraw the operation of this Act from any area.

**Definitions**

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "Authorised Officer" means an officer appointed by the Government, by notification in the official Gazette, to exercise in any area the functions of

(b) “building” includes a house, out-house, hut, wall and any other structure whether of masonry, bricks, corrugated iron sheets, metal, tiles, wood, bamboos, mud, leaves, grass, thatch or any other material whatsoever;

(c) “Committee” means a building Construction Committee constituted for any area in the prescribed manner;

<sup>4</sup>[(cc) “hill” includes hillocks;]

<sup>5</sup>[(ccc) “master plan” means the master plan prepared and approved under any law for the time being in force for the utilisation of any land anywhere in Bangladesh;]

(d) (i) “owner” in relation to a building or tank means the person at whose expenses such building or tank is constructed or excavated <sup>6</sup>[or who] has the right to transfer the same, and includes his heirs, assigns and legal representatives;

(ii) “owner” in relation to a hill means a person who possesses the hill and has the right to transfer the same, and includes his heirs, assigns and legal representatives;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “tank” includes ditch, drain, well and channel; and

(g) “temporary building” means such building which is declared by the Authorised Officer to be of a temporary nature.

**Restriction  
on  
construction  
of building  
and  
excavation  
of tank**

3. (1) Notwithstanding anything contained in any other law for the time being in force, or in any agreement, no person shall, without the previous sanction of an Authorised Officer, construct or re-construct or make addition or alternation to any building, or excavate or re-excavate any tank <sup>7</sup>[\* \* \*] within the area to which this Act applies; and such sanction shall be subject to such terms and conditions as the Authorised Officer may think fit to impose:

Provided that such sanction shall remain valid for three years from the date of sanction and on the expiry of the period, the application shall have to apply and obtain a fresh sanction.

(1a) Notwithstanding anything contained in sub-section (1), all sanctions obtained during the 12 months immediately preceding the 30th September, 1958, shall be deemed to have expired and no such construction or excavation shall be made without obtaining fresh sanction.

Explanation.- For the purpose of obtaining fresh sanction under sub-section (1) or sub-section (1a), no fresh sanction shall have to be obtained for the construction of buildings where the construction has been made up to 4 feet above plinth level.

(2) The Government may, by notification in the official Gazette, direct that the power of an Authorised Officer under sub-section (1) shall be exercised by a Committee in such area as may be specified in the notification.

(3) When a notification under sub-section (2) has been issued, the Authorised Officer shall not exercise the power conferred on him by sub-section (1) in the area to which the said notification relates.

(4) The provisions of sub-section (1) shall not apply to normal repairs to existing building.

**Restriction  
on  
improper  
use of  
lands and  
buildings**

<sup>8</sup>[3A. (1) No owner or occupier of a building shall, without obtaining previous permission from the Authorised Officer or the Committee, as the case may be, use the building for the purpose other than that mentioned in the sanction.

(2) When the <sup>9</sup>[Authorised Officer] is satisfied that the existing use of any land or building does not conform the scheme of land utilisation indicated in the Master Plan, the <sup>10</sup>[Authorised Officer] may, by an order in writing, direct the owner, occupier or the person in charge of the land or building to discontinue such use and, in the case of a building also to remove or dismantle such building:

Provided, however, that the owner, occupier or the person in charge of the land or building shall be given six months' time before effect is given to the order of discontinuance of such use and twelve months' time before effect is given to the order of removal or dismantlement of the building:

Provided further that no existing or further use of any land or building for combined residential and commercial purpose shall be discontinued or prohibited unless, in any particular case, such use militates against the dominant character of the scheme of land utilisation as indicated in the Master Plan and constitutes a nuisance generally to the zone and particularly to the neighbourhood in which the land or building is situated.

<sup>11</sup>[\* \* \*]

**Direction  
for removal  
of  
construction,  
etc.**

<sup>12</sup>[3B. (1) Where it appears to the Authorised Officer or the Committee, as the case may be, that-

(a) any building has been constructed or re-constructed, or any addition or alteration to any building has been made, or any tank has been excavated or re-excavated, before or after the commencement of the Building Construction (Amendment) Ordinance, 1986 (Ordinance No. LXXII of 1986);

(b) any building is being constructed, or re-constructed, or any addition or alteration to any building is being made or any tank is being excavated or re-excavated,

without obtaining the sanction under section 3, or in breach of any of the terms or conditions subject to which sanction was granted under that section, he or it may, by a notice, direct the owner, the occupier and the person in-charge of the building or the tank to show cause, within such period, not being less than seven days, as may be mentioned in the notice, why-

(i) the building or any portion thereof, whether constructed or under construction, as may be specified in the notice, should not be removed or dismantled; or

(ii) the tank or any portion thereof, whether excavated or under excavation, specified in the notice, should not be filled up; or

(iii) further construction or re-construction of, or addition or alteration to, the building, or excavation or re-excavation of the tank, should not be stopped.

(2) Where a person is asked by a notice under sub-section (1) to show cause why further construction or re-construction of, or addition or alteration to, any building, or excavation or re-excavation of any tank, should not be stopped, he shall stop such further construction or re-construction or addition or alteration or excavation or re-excavation, as the case may be, from the date the notice is served on him till an order is made under sub-section (3).

(3) Where, after considering the cause shown, if any, within the time mentioned in the notice and giving the person showing the cause a reasonable opportunity of being heard, or where no cause is shown within such time, the Authorised Officer or the Committee, as the case may be, after such enquiry as he or it deems fit, is satisfied that the building has been, or is being, constructed or re-constructed, or addition or alteration to the building has been, or is being, made, or the tank has been, or is being, excavated or re-excavated without obtaining the sanction under section 3, or in breach of any of the terms and conditions subject to which sanction was granted under that section, he or it may, by an order in writing stating reasons therefore, direct the owner, the occupier and the person in-charge of the building or the tank to remove or dismantle the building or any portion thereof or to fill up the tank or any portion thereof as specified in the order within such time as may be fixed by him or to stop further construction or re-construction, addition or alteration or excavation or re-excavation, as the case may be; and otherwise shall make an order vacating the notice.

(4) Where further construction or re-construction of, or addition or alteration to, any building, or excavation or re-excavation of any tank has