

FOCUS

Law and Our Rights

A Brief Investigation on the Eviction of Kandupatti Brothel

A Sheer Violation of Human Rights

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On 12th May 1997, around six hundred inmates of the Kandupatti brothel were evicted by the local PANCHAET COMMITTEE. It was led by Hossain Molla and Syedur Rahman Syed, the Ward Commissioner (ward no: 71) and the president of the said PANCHAET COMMITTEE respectively. The Eviction of the Brothel was a process started long ago but everytime they failed to evict this brothel, lastly on 12th May 1997, unruly mobs leaded by the above named persons evicted them under the very nose of the law enforcing agency. They were asked under threat by the local goons on 11 May to vacate by 10 am on Monday, 12th May 1997, with law enforcing agency remaining silent spectators. They were entitled to enjoy full Constitutional and Legal protection but had not have that. On 15th May 1997, the ousted inmates staged a sit-in demonstration in front of the National Press Club demanding their rehabilitation at Kandupatti and to the Government for their resettle- ment in the place from where they were evicted unlawfully by the hooligans and goons. They claimed that the sex workers and their kids would face a lot of hardships if they were not allowed to continue their profession.

The Government is yet to decide and opine regarding this matter. On 23rd June 1997, Hon'ble Prime Minister Sheikh Hasina in her TV programme could not give a satisfactory answer to the question of Kandupatti eviction as she was highly proud of speaking of woman rights everytime. We, the team, just went to visit the place and collected informations and exchanged our views regarding information with the investigation cell of Ain O Salish Kendra, were followed the Writ petition filed by Ms Samsun Nahar. We are also grateful to the Kandupatti inmates who delighted us serving the informations.

Historical background: "Prostitution" is one of the ancient professions of the Society. When concept of Civilisation was untouched, when there was no sign of education, the dignity of women were oppressed since that period. By the Chronological history, the society has been expanding with a new dimension of civilized society. Once, the concept of women indicated that women would only be the house wife then it came to the concept that women would be the inspiration of men. Now it is the most modern concept that woman is the partner of man. Inspire of these provisions and chronological history, prostitution or sexual business or comfort women were and are existing in all the societies like in the fanatic society, progressive society etc. This KANDUPATTI Brothel is one of that examples as it is about two hundred, years old. Since then it is continued up to this position. The brothel and prostitution is existing in all over the world.

Prostitution was never been considered as a good profession but it continued and existing. Then the question may arise in spite of all sorts of barriers why this profession is continued, the answer is we want its survival.

Spot Report:

Kandupatti, the two hundred years old brothel was found quite. Only some policemen were sitting outside the brothel gate where the Panchaet Committee had made a stage to occupy the place from the brothel camp. Asking to local people it was heard that around 6 hundred prostitutes were in this brothel. Among them 20% were given license. The others were illegally staying here. At the day of eviction they were not given any prior notice. Even they had no time to take their daily necessary goods. The local people attacked the brothel and evicted the prostitutes. Some of the inmates were beaten also. The windows and gates were broken, small stones were left in the floor which indicates the torture and frequency eviction. Police was present at that time but no protection was given by them. We interviewed several persons. One Mr. Abul Hossain, president, Malitala Shopkeepers association, told us that "It was a brothel of hundred years. Several times our predecessors wanted to evict during the British period and Pakistan period but they could not do that as some influential persons backed them. During the war of independence, it was evicted temporarily. But Badsha Gunda, Kelu Sheikh re-established it. It became the eve of their evil deeds, they used to take various type of narcotics here. He also said that during Ershad period, it was about to evict but police protected them. Recently the situation was such that school going girls were kidnapped and taken to this camp. They could never been freed. Our purchaser, the ordinary people could not go through that road as the prostitutes hold their hands and took them to their bed forcibly. The Ex-OC of Kotwali Police station Mojibul Huq was very much agitated with this situation. He closed the gates of GOLOK PARLANE. The sitting O.C. Sham-suddin Ahmed is also agitated with their activities. Recently he rescued three school girls from the brothel. Now the brothel is about to empty. People took this chance and evict

them. The panchaet committee is consisted of 51 members. We talked to the president of the said Panchaet Committee, Abu Sayed. He informed us that this old brothel of hundred years was evicted during the war of independence. But after that the then ward commissioner re-established this in spite of the protest by the people. It was settled only for 6 months, but it continued upto this period. He commented that the local people were very much unbearably angry with the prostitutes for the situation they created recently. People wanted help from the administration, from the city corporation, but no reply was given from them. Recently some girls were rescued by the NGO's (Salma Ali), people got afraid of their daughters. They were combined to remove this brothel. That's Why they have evicted this. He pointed out that they had not evicted it only for sexual business but this place became the shelter of all sorts of crime. The teenaged boys used to go to the brothel, they were involving with the heinous crimes, so, for the peace and security of the locality, the panchaet has evicted the brothel. Moreover, the mosque is situated nearby this brothel. Society demands that the should not be a spot of evil deeds nearby the mosque.

One member of the Committee, Mr Selim reported about the ownership of the property and building of the brothel, that some influential persons are

the owner of this brothel. One of them is Mr Hossain Molla, the sitting ward commissioner who is also a member of the panchaet committee. One local shopkeeper Zakir said that the said Hossain Molla earned a lot of money with the help of this brothel. Now he is a man of vast property. How far the shopkeepers know is that, it was the property of the Hindus long before. No body can give the information how Hossain Molla became the owner of the land of the brothel. This prostitution could not be evicted in the past few years as it was directly administered by Hossain Molla. Now Hossain Molla thinks that he needs fame and good will. So he agreed to evict this. Thus it happened.

On the spot we saw that so many small rooms/houses are within this Brothel camp. Some body told us that some prostitutes used to come at night and stayed whole night while they used to go in the morning. Some also came at day and went away in the evening.

Statements of the prostitutes:

One prostitute named Mak-suda reported that the area of the brothel camp is ten bigha. Formerly it was the land of Hindus. In 1971 Hossain Molla and his companions entered into this place and until 1974 they killed 30 men and women and became the owner of this land by way of making hooliganism. Since then he used to

take rent as a owner of the houses. In 1974 Hossain Molla fled away from the police custody in Dhaka court with his gang looting the arms of the police. Bangladesh government then declared 50 thousand taka as award to identify Hossain Molla. With the help of the court officials Hossain Molla, by dint of black money, took away all the files and burnt it. She also said that in 1984, during Ershad reign, Hossain Molla killed several students of Jagannath College which no body could come to know. When students made procession against them Hossain Molla countered it in the name of Dhaka Locality Unification slogans. He became ward commissioners by the votes of more or less 5 thousand prostitutes. She also reported that as Ershad discredited the students movement by the police, Hossain Molla did that with the help of the local hooligans goons. He is a billionaire; he has so many houses, hotel business, gold business and he is involved with gold smuggling.

She furthermore reported that Hossain Molla along with his wife Renu, who was also a prostitute, deal the sexual business all over the Dhaka city. She reported that the daily income of Hossain Molla from this business per head 400/- per day and 25/- toll for the Association. She along with her other colleagues also gave a part of damage list of some inmates which are as follows:

Name	Damages
1. Moni, daughter of late Hares Mia	Gold 30 grams, cash Tk. 80,000/-, Cloths and daily needs of an amount of Tk. 10,000/-
2. Maksuda, daughter of late Md. Shamsuddin	Gold ornaments 25 grams, cash Tk 6,000 daily needs of an amount of Tk. 8,000/-
3. Anwara, daughter of late Md. Moslem	Gold ornaments 20 grams, cash Tk. 5,000/-, daily needs of an amount of Tk. 5,000/-
4. Renu, Daughter of Talash	Gold ornaments 25 grams, cash Tk. 10,000/- daily needs of an amount of Tk. 6,000/-
5. Bulbuli, daughter of late Jahangir Alam	Gold ornaments 15 grams, cash Tk. 5,000/- daily needs of an amount of Tk. 4,000/-
6. Shilpi, daughter of Karim Bhuyan	Gold ornaments 15 grams cash Tk. 4,000/- daily needs of an amount of Tk. 6,000/-
7. Halima, daughter of Abdul Goni	Gold ornaments 15 grams cash Tk. 8,000/- daily needs of an amount of Tk. 6,000/-
8. Asma, daughter of Hashem	Gold ornaments 20 grams cash Tk. 5,000/- daily needs of an amount of Tk. 7,000/-
9. Ziasmin, daughter of Ashraf	Gold ornaments 20 grams cash Tk. 7,000/- daily needs of an amount of Tk. 8,000/- one tape recorder of 3800 Tk
10. Nasima, daughter of Mofazzar Khan	Gold ornaments 15 grams cash Tk. 7,000/- daily needs of an amount of Tk. 6,500/- electric fan and tape recorder of 5000 Tk
11. Farida, daughter of late Abdur Razab Ali	Gold ornaments 20 grams cash Tk. 10,000/- daily needs of an amount of Tk. 8,000/-
12. Hawa, daughter of Kallu	Gold ornaments 30 grams cash Tk. 12,000/- electric fan and tape recorder of 5000 Tk, daily needs of an amount of Tk. 12,000/-
13. Salma, daughter of Selim	Gold ornaments 15 grams cash Tk. 6,000/- daily needs of an amount of Tk. 3,800/- electric fan and tape recorder of 5000 Tk
14. Shahnaz, daughter of Sohel	Gold ornaments 15 grams cash Tk. 3,500/- daily needs of an amount of Tk. 4,800/- electric fan 1800 Tk
15. Hasina, daughter of Moslem Bepari	Gold ornaments 10 grams cash Tk. 5,000/- daily needs of an amount of Tk. 3,800/- electric fan 1800 Tk
16. Amina, daughter of Asgar Ali	Gold ornaments 15 grams cash Tk. 5,000/- daily needs of an amount of Tk. 4,800/- electric fan and tape recorder 5200 Tk
17. Razia, daughter of Khorshed Alam	Gold ornaments 10 grams cash Tk. 2,500/- daily needs of an amount of Tk. 6,000/-
18. Shahida, daughter of Shaheen	Gold ornament 20 grams cash Tk. 6,000/- daily needs of an amount of Tk. 6,000/-
19. Paruli, daughter of Md. Goni	Gold ornaments 15 grams cash Tk. 10,000/- daily needs of an amount of Tk. 9,400/-
20. Parvin, daughter of late Asgar Sheikh	Gold ornaments 15 grams cash Tk. 1,200/- daily needs of an amount of Tk. 6,000/-

Law Relating to Prostitution

The laws relating to the prostitution in Bangladesh are:

1. The constitution of the people's Republic of Bangladesh

2. The suppression of immoral Traffic Act 1933

3. Women and Children Protection (Special Provision) Act 1995

4. The Penal Code

5. The Police Ordinance of DMP, 1976 etc.

1) Article 18(2) of the Constitution of the People's Republic of Bangladesh Provides. "The State shall adopt effective measure to prevent prostitution and gambling."

This article is not enforceable by Court. But it signifies that Laws will be made in connection with this principle.

State will ensure the fundamental rights and fundamental needs of the citizens.

When state will prevent some body to do her/his own business for his/her lively hood according to her own wish, then it is the responsibility of the state to ensure their jobs and wages.

Until and unless the state can not provide them any work, morally it can not prevent some one to do their profession by making laws. This eviction relates to the violation of the fundamental rights of the inmates.

Article 31 of the constitution said. "To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable rights of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law" but in this respect they did not enjoy that rights. Article 40 of the constitution provides. "Subject to any restrictions imposed by law, every citizen possessing such qualifications, if any as may be prescribed by law in relations to his profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful profession or occupation, and to conduct any lawful trade or business" so in that respect the prostitutes are entitled to have their profession and the eviction was illegal. Article 43 of the constitution provides. "Ev-

ery citizen shall have the right, subject to any reasonable restrictions imposed by law that the interests of the security of the State, public order, public morality or public health:

a) to be secured in his home against entry, search and seizure; and

b) to the privacy of his correspondence and other means of communication."

In respect of Kandupatti Brothel eviction both the parties blamed the government. The local Panchaet Committee said that the people urged the administration to evict the brothel for so long but they failed to do so. That's why people took the responsibility to enforce the law. On the other hand, the prostitutes said that while they were evicted police became silent.

Recently advocate Shamsun Nahar filed a writ petition number as WP No 3017/97 before the Hon'ble High Court Division of the Supreme Court.

After the service of Notices a Divisional Bench of the Supreme Court gave a descreetive verdict. Justice M H Hoque declared the eviction illegal and directed the Government to resettle them providing full security to the brothel inmates.

While Justice Md Hasan Amin in his findings sought out the eviction illegal but he verdicted that writ Jurisdiction is not maintainable in this case as it is evicted by the individuals not by the Govt. Now... the case is pending for another hearing before a 3rd Bench.

2. The suppression of immoral Traffic Act 1933 is to prevent the prostitution from expanding in the society as it is a social digression. Section 11 of the Act provides that if any body confounding any girl below 18 and bound her to sexual business will be convicted for 3 years imprisonment.

"The suppression of Women and Children (special provision) Act 1995 is more tough to deal with such sexual business. It provides the punishment for life imprisonment for the offences mentioned in the Suppression of Immoral Traffic Act 1933.

However, the Kandupatti brothel eviction is a legal and human rights violation to the mankind; with the development of legal and humanitarian concept, a section of public opinion has been canvassing for de-criminalisation and

possibly legalisation on prostitution. Some developed countries of the world have already adopted policies to develop a legal regime reflecting the prostitute's rights approach. We think Justice MM Huq, has rightly found the legal, social and cultural aspects of the re-settlement of the Kandupatti brothel eviction. They are human beings; they have got right to the freedom of their profession.

The Government should adopt a policy so that they could enjoy their fundamental rights like other citizens of the country and cannot be spread over the society which will be more harmful to our new generation and for the social dignity and values.

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Landscape

The government plans to send as many as 600 soldiers to the Naples area this week in a crackdown against warfare among rival mob gangs.

A 26-year-old mobster was killed and three passers-by — one an 8-year-old girl — were wounded during shoot-outs in small towns this past weekend.

Interior Minister Giorgio Napolitano announced Sunday night that the military will replace regular police in the protection of public buildings, thus freeing police to patrol the streets.

The army has been used in the past to help fight crime, most recently in Sicily in 1992 following the assassination of anti-mafia prosecutor Paolo Borsellino.

The crime situation in Naples is an emergency situation, and it therefore needs emergency measures. Naples prosecutor Agostino Cordova told Italian newspapers.

A total of 85 people have been killed in the Naples area in the past six months in deaths attributed to rivalry among factions of the Camorra, the local mob.

Premier Romano Prodi announced he will meet with Parliament's anti-Mafia commission to discuss future measures on his return later this week from a NATO summit in Madrid.

HUMAN rights as a concern of international community was first officially codified with the adoption of the Universal Declaration of Human Rights by the UN in 1948. The preamble to the Declaration upheld the aspirations for a world in which human beings shall enjoy freedom of life, opinion, freedom from fear and also a healthy living condition.

We are approaching the 50th anniversary of this historical Declaration but these rights for human beings have not yet been fully established. Rather, new dimensions of human rights violations are surpassing the categories of violable rights originally apprehended in the Declaration. One such is linked with the much talked-about degradation of world environment. Human beings built-up this magnificent civilization by extracting the fruits of nature. Thus the rights that a man or women is entitled to is without any doubt has a deep involvement with the earth's environment.

Three major arguments constitute the link between environment and human rights and the arguments are by and large related to the notion of environmental injustice.

a) A worldwide trend can be observed where activists for protecting environment are tortured, harassed and even killed by governments, business communities, persons of illegal professions such as drug cultivators & traders.

b) Environmental degradation usually carries a high human cost and as a famous environmentalist pointed out, such cost is often borne disproportionately by the people least able to cope with it people already on the margins of the society.

c) A wide range of discrimination may be observed in terms of access to ecological benefits.

According to "World Watch" Paper of December 1995 in 1988 Chico Mendes, a widely known environmental activist who stood against Amazonian deforestation was brutally assassinated by a group of land-hungry cattle ranchers. Law enforcement officers in this case and in several other cases of this sort made virtually no effort to protect civil liberties such as the right to speak out and organize protests as they share the ranchers view that any one who objected the felling and burning of rain forests represented merely an obstacle to progress. Apart from it many other examples may be cited where the rights of the environmentalists have been severely violated and remained without remedy. Henry Domoldoi of the Philippines was

murdered in 1991 by the members of a militia with ties to the Philippines Army as he campaigned against military involvement in illegal logging of local tribal lands. Piotr Kozhevnikov of former Soviet Union, Mahesh Mehta of India, Guy Pence of the USA were also harassed threatened and even attacked because they stood against efforts to plunder nature's resources.

As for the second argument every person on the earth has a right to a stable climate, an intact ozone layer, clean water, air and healthy oceans. But mainly for the faulty consumption pattern of the elite wealthy class in 'modern' industrial societies of the countries of the North and of the perpetual consumers of modernity in developing worlds, that right is at stake. Industrial countries, according to world watch sources, are responsible for more than 90% of the 360 million metric tons of hazardous waste dumped in poorer countries violating the inhabitants' basic human rights.

Over the last five years there have been at least 299 documented dumpings in Eastern Europe, 239 in Asia, 148 in Latin America and 30 in Africa.

In some cases developing countries are even cheated. For instance as world watch magazine reveals, in 1988 an Italian Waste Company offered a Nigerian farmer \$ 100 a month to use his backyard as a storage area of 8000 barrels of fertilizers. Later the barrels were found to be filled with industrial waste containing fibres and high levels of PCBs. Another aspect of this problem is that developing countries, following Western Models of development often take up steps to