



The Gausia market corridor where it happened.

How the ceiling falling on my head taught me something new about commercial property

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When the concrete casting of the ceiling at Gausia market broke off and fell on my head last week, I was determined to hold someone responsible.

Gausia market is the lifeline of most women in Dhaka South. It definitely is for me—from the smallest safety pin to my entire wedding attire, the market has met the demands of life time and again. Many of the regular customers in this market are mothers and small children.

While a crowd of onlookers gathered around to watch my mother mop the blood on top of my head with a scarf, I tried to rack my brains trying to think what to do—what does one do in a situation like this? Go to a hospital? Call the police to take legal action? Call the Consumer Rights Bureau?

I decided to go with the second option. I called the police as well as the general secretary of the shopowners' committee. They both arrived. We all sat in the market's office with my head packed with ice and wrapped in my scarf, trying to figure out who should have fixed the

ceiling before it fell on my head. (By "we", I mean mostly me. The cop just sat there, jaded by the proceedings, and the committee's general secretary was focused on making a case for why he was not to blame).

The answer, as both the policeman and I discovered, is not so simple, because of one fascinating reason: no shop in the market owned the piece of concrete that dropped from the ceiling. Who to arrest? Who to file charges against?

It has to do with how these spaces in last-century markets like Gausia change hands. When someone says he is a shopowner at New Market, chances are he does not legally own even an inch of space. What he owns is the "possession" of a shop.

This "possession" is an intangible entity—it basically guarantees the selection of the person for the space. The transaction has no legal documents to support it.

"We simply have an internal contract drawn up that describes the purchase being made," says Mizanur Rahman, the shopowners' committee's general secretary. The "possession" is sold to the "shopowner" by the "zamindar"—that is, the actual legal owner of the shop.

In the case of Gausia market, most of the shopowners bought their "possessions" several decades back, claims the committee. "This market is 65 years old. I have been a shopowner here for 45 of those years," states Rahman. On top of a possession price, the shop "owner" also has to pay a nominal rent to the

"zamindar" every month.

"While it varies from shop to shop, most shopowners pay around Tk 1,500 to Tk 2,000 per month," informs Rahman. Shopowners, who own "possession" of the shop, can then rent it to tenants. Tenants are commercial businesses, who want a showroom at Gausia market.

A quick search on Bikroy.com shows that the sale of "possession" is a hot industry among old marketplaces. A tiny, dimly-lit, 70-square-foot space selling women's clothing at Rajdhani market is currently up for grabs for a whopping Tk 60 lakhs. The "zamindar" promises that the shop brings in rent of Tk 25,000 per month.

Commercial spaces therefore change hands many times over—from owner, to "possession" owner, to tenant, to shopkeeper. Say the ceiling of the shop falls on your head—who would you hold accountable?

The only person legally bound to do repairs is the person with the least frequent interaction with the property,

that is, the "zamindar".

In the case of Gausia, an uncle and his two nephews are the "zamindars" who own the building of Noor Mansion. The uncle lives abroad, one nephew is in Gazipur, and the other just returned home after 35 years abroad. The "possession" of most of these shops were sold before their time. While the value of the real estate has appreciated everywhere in Dhaka city, the owners cannot capitalise on it in spite of legally owning it. The only money coming in monthly is the paltry "rent" of Tk 1,500 to Tk 2,000 that the "shopowners" of the 400 shops inside Gausia pay. The only real money they get is from the commission when there is a "possession" turnover i.e. when the possession gets resold to someone.

The "shopowners" claim that as long as the "zamindars" own the building, they should pay for repairs. "They have not spent a single coin on repairs. Whatever renovations have been done, has been by us," they claim.

"Besides we have possession of shops not common spaces."

That brings us to the second part of the problem regarding who is responsible for renovating Gausia market. I was pacing the corridor, waiting for my mom to finish buying things in a shop next to me, when the accident happened. This is important—I was not located *inside* any shop. The piece of concrete came from the ceiling located above the corridor, and the barely-participating zamindars own it.

What all this makes for is a crumbling infrastructure that nobody wants to spend money renovating, but everyone wants to profit off of. According to surveys done by the Fire Service and Civil Defense department, the building Noor Mansion was classified as "very risky" because it has way too many people and not enough fire-fighting equipment and evacuation staircases.

"I admit, this is not the first time that portions of the wall and ceiling have fallen down on staff and customers. This has happened several times," admits Rahman.

A few months back when FR Tower went up in flames leaving the city dead, injured and traumatised, the *Star Weekend* desk sourced a list of Dhaka's riskiest public structures from the fire service department to release to the public. Poring over the lists of schools, universities, hotels and malls as a team, we laughed as we found familiar names, places we lived close to, studied in, shopped and ate in.

Yes, we laughed—during a dark few days filled with death and scenes of people jumping out of burning buildings. The incredulity at discovering that we were risking our lives just by going out to have a life made us giggle helplessly. So inexorable was the situation that after wrapping up our work, we pointedly selected a restaurant located in a building that had been marked as risky.

This time, as I left the meeting with the committee, I visited the place where the ceiling fell on my head. The rubble had been quickly swept away, and in the same spot where an accident had happened less than an hour ago, stood two little kids with freshly shaved bald heads. The light from the shops reflected brilliantly—almost invitingly—off their shiny scalps. Talk about irony.