

Uttaran 'notice', our reply

FROM PAGE 1
That the housing scheme has no Department of Environment's approval is mentioned in the department's said letter. A penalty of Tk 2.88cr was slapped on them on 2nd January 2011 by the environment department for causing massive environmental damage with razing and flattening of 96 acres hills by then.

As a result of the mass scale hill cutting; ecology, biodiversity, trees and top soil, crops and geological formation of the area were all destroyed, the environment department then assessed.

The department also filed a case with Chittagong environmental court the same year.

These government actions were stayed by the honourable High Court but have not yet been conclusively settled.

That the nature of the said housing land is hilly is evident from the land ownership records, Khatian no-2000 created in July 2006 in the name of Uttaran itself.

According to para-19 of the Uttaran "Notice," it possesses over 91 acres of land equal to around 273 bighas.

But the land holding limitation law restricts holding more than 100 bighas land either by an individual or an organization and the matter is settled in the judgment of Modhumoti Model Town case.

It is evident from the very narrative of the "Notice," that Uttaran has been developing the housing project, handing out plots and constructing buildings while various High Court stay orders are in effect.

In the writ petition no-8794 of 2014 filed by Bangladesh Environmental Lawyers Association, the honourable High Court has directed all the authorities to prevent "any further hill-cutting, razing or destruction of the same to initiate legal measures against the actual perpetrators including respondent no-9 (Uttaran).

Uttaran has not even cited this order in its seven-page "Notice."

It seems Uttaran's "Notice" is intended to intimidate, harass and deter journalists from doing their professional duties.

That unauthorized building constructions has been going on in Uttaran housing is evident from Uttaran's "Notice" and its executive member Serajul Islam's version carried in our report, field visit and accompanying photographs. Islam said, we quote, "We have halted unauthorised building construction for the time being."

Md. Ali Hossain, deputy commissioner of Cox's Bazar, while talking to this paper on March 16 and 17 said, "The entire area, where the housing project is being implemented is full of hills and hillocks and the work goes on within boundary fencing like a forbidden zone."

The lease deed on the basis of which Uttaran has been developing the housing scheme and has allotted plots among 690 members, provides that leased land cannot be handed over without full approval of the government, construction without approval cannot be done, land possession cannot be changed without Deputy Commissioner's permission. Uttaran is silent on these issues.

According to the lease term, Uttaran was required to obtain prior permission of the deputy commissioner for felling trees or razing hills and doing any excavation on the leased land. Uttaran did not obtain this approval before felling of trees or cutting of the hills.

Our report contains an elaborate version of Uttaran executive member Serajul Islam. Uttaran in its protest has not disowned nor contradicted the said member's version.

We talked with Uttaran's executive member Sirajul Islam for his comments, which were included in our report that we reproduce here: "We have not razed hills that much; we have just leveled some hillocks and ditches. There had never been any hills at the project site. Hills are only around our project. What we have done is development work."

Pointed out that the land lease requires Uttaran to obtain deputy commissioner's permission for tree felling and developing the housing estate needs environmental clearance, Sirajul said, "We are getting ready for the process for approvals."

He said Uttaran was proud to have quite a number of high-profile members including ministers, lawmakers, politicians, around two dozen former and serving judges and their wards, and high-ranking civil and military officials.

Here we publish the unedited "Notice" from Uttaran as it is and provide answers to each paragraph:

Para-1: That on July 07, 2017 you have published a News in The Daily Star captioned as "Hills lost to Housing (150 acres of Hilly Land Flattened, a dozen structures built illegally for a housing scheme for 1100 people including some influential persons" which is a Subjudice matter and directly and substantially an issue before the Honourable High Court Division of the Supreme Court of Bangladesh in Writ Petition No. 212 of

2011 filed by Uttaran Grihayon Samabaya Samity Limited and Writ Petition No. 8794 of 2014 filed by Bangladesh Environmental Lawyers Association (BELA) as Petitioner and Criminal Miscellaneous Case No. 32922 of 2011 now pending in the Honourable High Court Division arising out of the Paribesh case No. 2 of 2011, arising out of Cox's Bazar Model Police Station Case No. 12 dated 05.01.2011 under Section 4(2), 6(kha) and 12 read with table 1, 6, 12 under section 15 of the Bangladesh Environment Protection Act, 1995 and as such publishing the news item in the front page of The Daily Star is an imputation concerning thousands members of the Uttaran Grihayon Samabaya Samity Limited intending to harm, or knowing or having reason to believe that such imputation will harm the reputation or such person is said to defame that person, defamatory and also contemptuous;

Reply: Our report clearly mentions that the High Court stayed the actions taken by the environment department and the proceedings of the case filed with the local environmental court.

The report does not in any way question, condemn or malign the court orders and the procedure. It contains nothing personally defamatory either.

Para-2: That Uttaran Grihayon Samabaya Samity Limited have observed the captioned News Item published in the front page of The Daily Star on Friday, 7th July 2017 with Gigantic Photographs at first page and Second page which according to them is a misrepresentation and with ulterior motive, obviously in collusion with any interested quarter; and the Samity immediately thereafter made a protest denying the entire story that you have demonstrated in your widely circulated daily but you have neither published that protest nor begs unconditional apology for that imputation which is defamed the Samity and thousands of its members.

Reply: Uttaran does not make it clear how and why the photographs along with the report were a misrepresentation.

Para-3: That it is stated that Uttaran Grihayon Samabaya Samity Limited also categorically protested that the photo as published in The Daily Star on 7th July, 2017 styling as "the recent photo shows illegally built structures on Uttaran Grihayon Samity" that has flattened hills and chopped down thousand of trees in Kolatoli of Cox's Bazar town for its housing estate without Department of Environment's and deputy commissioners approval' is false fabricated and a misrepresentation but you have neither published that protest or begs unconditional apology for that imputation which is defamed the Samity and thousands of its members;

Reply: Repetition of the preceding paragraph 2.

Para-4: That in the protest notice the Samity described the actual facts, circumstances, context and situation and the object/vision on which the Uttaran Grihayon Samabaya Samity Limited has been established was narrated elaborately but you have not published the same as yet.

Reply: As is our practice, we studied every paragraph of the protest note and have verified our report once again. This process took time and hence we publish it today.

Para-5: That it is stated that the housing project of Uttaran Grihayon Samabaya Samity Limited is not on Hill but Hill is around the Uttaran Grihayon Samabaya Samity Limited.

Reply: This claim made by Uttaran is in the report. However, the official documents in our possession do not support this claim.

Para-6: That the housing project of Uttaran Grihayon Samabaya Samity Limited is not on Hill but Hill is around the Uttaran Grihayon Samabaya Samity Limited;

Reply: Repetition of previous paragraph.

Para-7: That Uttaran Samity is a Primary Co-operative Society established in 1986, registered being Registration No. 37-Cox dated 04.11.1986, is a body corporate with perpetual succession and a common seal having power to hold property to enter into contract to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted;

Reply: Does not relate to the report.

Para-8: That Uttaran has its own bye-laws since its establishment with up to date amendments registered/approved under the Co-operative Societies Ordinance, 1984 Ordinance No. 1 of 1985 and Rules 1987 made there under and now governed by and under the Co-operative Societies Act 2001, and the Rules 2004, made there under, along with its bye laws.

Reply: Does not relate to the report.

Para-9: That the management of Uttaran Samity under its bye-laws approved by the Register of the Co-

operative Societies up to date is vested in a 12 members committee consists of a Chairman, a Vice-Chairman and a secretary, and 9 directors/members being duly elected for every three years by the general members by direct election as prescribed by laws and in this regard it is stated that since its establishment the managing committee of the Samity is consists of 12 members and there was no nominated members either by the Government or by the Register; it will be pertinent to mention here that on 13.09.2014 an election of the managing committee has been held and a 12 Members Committee having been elected.

Reply: Does not relate to the report.

Para-10: That it is stated that all kind of inspection inquiry and audit concerning the Co-operative Society is vested to the Registrar under the Co-operative Societies Act, 2001, and the Rules 2004, made there under and the meeting and election of the Samity is being conducted by the Managing Committee and its general members under its bye-laws.

Reply: Does not relate to the report.

Para-11: That it is stated that the Uttaran Grihayon Samabaya Samity Limited is one of the big society of Bangladesh in the private housing field, having more than 1000 of members, checked history and background; some of the pioneer members took initiative and established the Uttaran Grihayon Samabaya Samity Limited, which has been duly registered in the office of the Registrar of Co-operative Societies bearing Registration No. 37 of 1986; that by now there are 1088 members of the Samity and out of them about 690 Members have got possession of their plots.

Reply: Does not relate to the report.

Para-12: That it is stated that considering an application for lease the Deputy Commissioner, Cox's Bazar opened a lease case No. 28/87-88 and after proper and due inquiry, he sent the record of the said Lease Case to the Government i.e. to the Ministry of Land Vide memo No. 1390 SA/dated 29.9.1988 and the respondent No. 1 having been satisfied leased out 25 acres of land from Mouza-Zhilongjah, BS Plot No.17131 and 10 acres of land in BS Plot No. 17172, total land 35 acres, upon salami of Tk 22,91,870/- in favour of the petitioner Samity by order dated 18.01.1989;

Reply: Does not relate to the report.

Para-13: That the Samity paid salami of Tk 22,91,870/- and as terms of the aforesaid lease order and entered into Contract/agreement on 10.9.1989 for a period of 30 years for the purpose of Housing accommodation. The lease is followed by a registered deed of Contract/agreement No. 2287 dated 10.9.1989 and letter of handing over possession dated 14.05.1990.

Reply: Does not relate to the report.

Para-14: That Uttaran Samity after taking lease developed the land by earth filling and cutting and approved a plan from the Deputy Commissioner, Cox's Bazar vide his office Memo No. 1660/SA dated 8.8.2001 and allotted the plots to its Members; the approval of the layout plan approved by the Deputy Commissioner dated 08.08.2001 and hand sketch map showing situation of 35 acres lease and other lands acquired by the samity and a members list of plots allotted in favour of them were submitted to the concerned authorities and authorities having been satisfied approved the same;

Reply: Our report is not about the housing scheme's layout plan. It only refers to cutting hills, felling of trees and building construction without permission from relevant authority.

Para-15: That your reports dated July 07 2017 to the effect that there is no approval of construction by the deputy commissioner is untrue false and fabricated and an imputation which is defamatory;

Reply: Official documents in our possession do not support this claim.

Para-16: That once the Director of the Environment Directorate issued a Notice to show cause upon the petitioner samity by a Memo dated 11.7.2007 to show cause as to why legal action shall not be taken and after receiving the notice the Samity submitted a reply on 29.7.2007; that a Senior chemist of the Environment Directorate after due inquiry submitted his report before the Environment Directorate after due inquiry submitted his report before the Environment Directorate on 2.10.2007.

Reply: Does not refer to the content of our report. Uttaran also does not say what the conclusion of the report was.

Para-17: That in the meeting of the District Law and order situation dated 29.9.2010 it was decided that there should be thorough inquiry and as such a 4 (four) members committee was constituted headed by Additional District Magistrate and this committee after field inquiry submitted its report on 29.9.2010.

Reply: Unclear and does not relate

to our report. Uttaran does not say what the findings of the report were.

Para-18: That recently a Notice dated 10.08.2014 was issued by the authority to the samity for an inquiry directed by the Ministry of Land and the said inquiry has been under taken at the instance of the Ministry of Land Vide Memo No. 31.00.0000.042.067.14.388 dated 11.5.2014 and pursuant to that the Deputy Commissioner, Cox's Bazar issued a Memo No. 05.20.2200.128.32.465.14-771 dated 03.08.2014 upon which a three member committee was constituted and they made a filed inquiry and submitted the same on 27.08.2014 and forwarded the same Vide memo No. 782 dated 03.09.2014.

Reply: Unclear and does not relate to our report. Uttaran does not say what the findings of the report are.

Para-19: That the Samity purchased 29.10 acres of land for value in and around the project area from various private persons by 31 registered deeds; the Samity also acquired 3.52 acres of land by 26 exchange deeds; the land measuring 23.65 acres are in the process of acquisition by the samity and in this way total piece land 91.27 acres has been acquired by the samity and is in peaceful possession; the Samity mutated its name and khatian has been prepared in the name of the Samity and paying rent to the concerned authority and since 1986 and the Samity/its members are in possession of the land within the knowledge of the government, environment department and concerned others.

Reply: Our report has not raised question about land ownership, but only about unauthorized cutting of hills and trees.

Para-20: That by this time the Samity allotted plot of various size to its 690 members in Block-A members-100, Block-B-183 and Block-C 407 members total land measuring 54.83 acres; and the members allotte took over possession and constructed boundary wall, semi pucca building etc with due approval;

Reply: Uttaran has not produced any example of having building construction approval.

Para-21: That you report as published on July 07 2017 and "150 acres of Hilly land flattened, a dozen structures build illegally" is untrue, false, malafide and fabricated and defamed the Samity and thousand of its members;

Reply: Uttaran does not provide any documentary proof that would render our report "untrue, false and fabricated..."

Para-22: That the Samity by this time established School Namely Uttaran Model School and College financed by the facilities department of the LGED in which there are 1000 of students who are members of the poor and distressed families around Uttaran Samity of Cox's Bazar; there is a Jame Masjid, one office complex, proposed Cox's Bazar Private University, post office, Bank and other various establishment on a piece of land measuring 1.1980 acres and for the said establishment the Samity invested more than Tk 15,30,74,986.14 taka in its Housing Project, details of which will be evident from the audit report 2012-13.

Reply: Does not relate to our report.

Para-23: That it is stated that in the year 1990 Vide Memo No. Bhu:Ma/sha/8/Khajaba/292/88/874 dated 16.10.1990 and the Ministry of Land cancelled the lease on an unfounded grounds and being aggrieved the Samity filed a Writ petition No. 34 of 1991 and obtained a Rule and stay order; ultimately after hearing both the parties the Rule has been made absolute by the Honourable High Court Division by Judgment and order dated 11.08.1999;

Reply: This fact is contained in our report. Again we state our report does

not question the lease but only the issues of cutting hills and felling trees without proper permission.

Para-24: That in this regard your report as published on July 07 2017 that "150 acres of Hilly land flattened, a dozen structures build illegally" is untrue, false, malafide and fabricated and defamed the samity and thousand of its members.

Reply: This para is a repetition.

Para-25: That in the aforesaid facts and circumstances the respondent paribesh department most illegally issued two office order Vide Notice No. Pa/Ao. Moni-o-enforce: Uttaran Grihayon Samabaya Samity Limited) 173/2010/107 dated 02.01.2011 purportedly issued by the Director (Monitoring and Enforcement), Environment Directorate, Government of the People's Republic of Bangladesh, Agargaon, Sher-e-Bangla Nagar Dhaka, imposing fine/penalty to the Tune of Tk. 2,88,36,000/- to be paid within 05.01.2011 and further directing to stop all kinds of works/development/construction etc and to dismantle and remove all kinds of materials from the project side and also issued another memo No. Pa/Ao. Moni-o-enfo: Uttaran Griha Sama Samity Ltd) 173/2010/200 dated 3.1.2011 purportedly issued by the Director (Monitoring and Enforcement), Environment Directorate, "Environment Bhaban" E-16, Agargaon, Sher-e-Bangla Nagar Dhaka, asking the Executive Engineer, (Sales and Distribution) Power Development Board, Cox's Bazar, to disconnect all electricity line/connection in the Housing Project of the Uttaran Grihayon Samabaya Samity Ltd) immediately; and being aggrieved by the said impugned memos the petitioner samity filed writ petition No. 212 of 2011 before the Honourable High Court Division and a Division Bench having been satisfied issued a Rule Nisi and Stay order by order dated 05.01.2011 and time to time extended the stay order lastly extended till disposal of the Rule by order dated 14.07.2014; that at the same time on the self same issue the paribesh department, Cox's Bazar lodged a FIR being Paribesh Case No. 2 of 2011 against the office bearers of the managing committee of the petitioners Samity and against which the accused persons after obtaining bail from the Honourable Court, filed an application under section 561A of the CRPC being Criminal Miscellaneous Case No. 32922 of 2011 and a Division Bench of the Honourable High Court Division having been satisfied issued a Rule and stayed all further proceedings till disposal of the Rule and the Rule is still pending;

Reply: The above paragraph clearly shows that "disposal of the rule is still pending." So how can Uttaran term the actions of the environment department "illegal"?

Para-26: That it is stated that there are certificates issued by the environment directorate long before in 2007 and the government lawfully leased out its land for housing accommodation and in the meantime the Samity allotted about 700 of plots comprising an area of 55 acres to its members by registered deeds and they are in possession of the said plots and after taking over possession they have constructed boundary wall, semi pucca structures, etc and mutated their names and paying rent and thus possessing the land peacefully.

Reply: Again, we say, our report does not say anything about the lease but only about hill cutting and felling of trees and building construction without proper permission.

Para-27: That you report as published on July 07 2017 that "150 acres of Hilly land flattened, a Dozen structures build illegally" is untrue, false, malafide and fabricated and defamatory.

Reply: Repetition.

Para-28: That it is submitted that it will be evident from the facts that in 1989 government leased out 35 acres of land for housing accommodation and the Samity after taking over possession in 1990 developed the land by earth cutting and filling and as such allegations of Hill cutting/razing does not arise at all; there are more than two/three reports which clearly shows that Uttaran Samity is not on Hill nor cutting or razing hills.

Reply: This has been mentioned in the report.

Para-29: That the Uttaran Samity by this time planted about 3 lacs trees in the entire area of the housing project of the samity and allegations of hill cutting/razing is untrue, baseless and has been done with ulterior motive.

Reply: Uttaran does not prove that hills and trees were not cut without proper permission.

Para-30: That in the aforesaid facts and circumstances it is submitted that the Matter in issue directly and substantially in issue relating to the Housing project of Uttaran Grihayon Samabaya Samity Limited is now pending before the Honourable High Court Division in the above mentioned writ petition and Criminal Miscellaneous Case.

Reply: Our report is on this that while the case is pending before the honourable High Court, Uttaran continued hill cutting and tree felling and construct buildings and distribute plots.

Para-31: That it has been provided by section 499 read with section 500 and 501 that whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both and as such the news item published in "The Daily Star on 7th July, 2017 in respect of Uttaran Grihayon Samabaya Samity, Cox's Bazar is defamatory and defamed the Uttaran Samity and thousand of its members and has been reported and published and thereby most illegally, with ulterior motive which is tainted with malafide and without any lawful authority.

Reply: Claim not supported by proof.

Para-32: That it will not be out of place to mention here that the protest news has been published in the Daily Cox's Bazar and Dainik Bak Khali, Mr. Mohammad Ali Jinnah a Daily Star reporter was not aware of this reporting and he is also member of the Uttaran Samity who ever reports such defamatory news.

Reply: Not relevant to our report.

Para-33: That Mr. Tawfique Ali, the reporter of the News of Daily Star ever visited the Project side of the Samity nor he has any idea and it seems to the Samity that he has made such report with ulterior motive which will be evident from the false, untrue and malafide reporting perhaps being influenced by any interested quarter and thereby defamed with Uttaran Samity and thousand of its members.

Reply: Our reporter visited the spot and did the report on the basis of field visit, aforesaid official records and talked with relevant officials.

CONCLUSION

In conclusion, we reiterate the facts that Uttaran, without proper permission cut hills and trees and made unauthorized construction on the leased land.

Also, it continued to construct and hand out plots while the case is pending before the honourable High Court.

In the "Notice" Uttaran claims that our report is "false, fabricated.... without providing any proof.

Uttaran did not provide any evidence that leads us to reconsider the facts presented in our report of July 7, 2017.

Trump-Russia probe

FROM PAGE 16
subpoena documents and get sworn testimony. It could well lead to criminal indictments.

"It's a significant escalation of the process," national security attorney Bradley Moss told AFP.

"You don't impanel a grand jury unless your investigation has discovered enough evidence that you feel reflects a violation of at least one, if not more, criminal provisions," he said.

"If you secure an indictment, your next step is to arrest the defendant."

Meanwhile, Trump described Russian interference in the 2016 presidential election as a "total fabrication".

"We didn't win because of Russia. We won because of you," Trump said at a campaign-style rally in West Virginia.

Presidential lawyer Ty Cobb said he was not aware that a grand jury had been convened.

"Grand jury matters are typically secret," Cobb said, adding that "the White House favors anything that accelerates the conclusion of his work fairly."

fully cooperating with Mr Mueller."

White House spokeswoman Sarah Huckabee Sanders claimed the president was not likely the subject of the investigation.

"Former FBI director Jim Comey said three times the president is not under investigation and we have no reason to believe that has changed," she said.

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Justice Department spokeswoman Sarah Isgur Flores declined to comment on the report.

INVESTIGATORY INDEPENDENCE
Trump has repeatedly denied allegations of collusion, saying he is the victim of a political "witch hunt" and "fake news."

But he has been forced to acknowledge that his eldest son, Donald Jr, his son-in-law Jared Kushner and his then campaign advisor Paul Manafort did meet a Kremlin-connected lawyer to get dirt on Hillary Clinton.

Mueller is also said to be investigating Trump's financial records unre-

lated to Russia or the election, CNN reported.

Trump has publicly warned Mueller that his financial dealings should be out of bounds and investigating them would cross a red line.

Operation

FROM PAGE 2
including Titumir, were demonstrating at the capital's Shabbagh to press for their seven-point demand that included announcement of their exam dates.

While dispersing the protesters, a policeman shot a teargas canister directly at some agitating students. A video footage of the incident shows Siddiqui collapsed on the street instantly.

Siddiqui, a third-year student of political science, suffered total loss of vision in the right eye. The left eye responded to light once or twice when the bandage was removed on July 23 at the National Institute of Ophthalmology.

The government is bearing Siddiqui's medical costs. He was taken to Sankara Nethralaya on July 27.