

Hill destroyers go unpunished

Flawed law lets them get off scot-free; 120 hills razed in 40 years in Chattogram

AT A GLANCE

- 120 Ctg hills razed in 40yrs
- No one put behind bars in 20yrs
- Verdict only in 13 out of 37 cases
- 23 cases still under trial
- Accused in 7 cases acquitted
- 400 died in landslides between 2000-17

SIFAYET ULLAH

Although more than 120 hills have vanished from the port city in four decades, no one has been put behind the bar for the offence in the last 20 years, thanks to legal loopholes.

Hill destroyers are taking advantage of incomprehensive and inadequate law, poor investigation processes, and delayed trial proceedings to go unpunished even after contributing to irreversible environmental damage, according to legal experts and Department of Environment officials.

The current Environment Conservation Act has provision for punishment of up to two years’ imprisonment or Tk 2 lakh fine for razing hills without obtaining permission from the DoE.

While analysing relevant data, it was found that the DoE filed 37 cases against hill destroyers with the environment court of Chattogram between 2003-2022.

The court, however, had managed to complete the trial process and deliver verdict in only 13 of the cases. Not a single accused was put the behind the bar so far.

It only fined the accused a total of Tk 5 lakh in five cases. The amount of fine ranged between Tk 50,000 and Tk 2 lakh.

Ironically, the accused in seven cases were, in fact, acquitted by the court.

The court also scrapped a case even after the DoE submitted the charge sheet because they failed to prove the incident.

Currently, 23 cases are under trial.



This file photo shows how influential people often cut hills and develop housing there. The photo was taken in Bayezid area.

“Convicts are evading punishment by paying nominal fines considering their crimes using loopholes of the law,” said SHM Humayun Talukder, special public prosecutor of the environment court of Chattogram.

“The charge sheets pressed by the DoE often have flaws in many cases, paving way for safe exit of the accused,” he added.

In a study titled “Locational Analysis of Hill Cutting Areas in Chittagong city,” conducted by Prof Dr Edris Alam of Geography and Environment department of Chittagong University, it was revealed that the port city lost over 120 hills in the past 40 years.

Hills play a crucial role in maintaining the environmental balance and biodiversity, the study said.

“Perpetrators usually take advantage of legal loopholes to get bail and thereby avoid



Many hills were ravaged in Jungle Salimpur to built this connecting road from the city's Banglabazar to Foudjarhat.

PHOTO: RAJIB RAIHAN

arrest as hill cutting is a bailable offense in the existing law,” said Mia Mahmudul Hoq, deputy director of the DoE Chattogram city unit. “We sent a letter requesting the higher authorities to review the law last year.”

JUSTICE DELAYED, JUSTICE DENIED

Zahirul Alam Jashim, a ward councillor of Chattogram City Corporation and also local Awami League leader, has reportedly razed many hills in Akbor Shah area of port city since 2009 for plots.

The DoE filed three cases against Zahirul and his wife for destroying hills, but he is yet to be arrested in any of those. Two of the cases are now under trial with the court while another is being investigated.

Nurul Islam Chowdhury, a director of Railway Co-operative Housing Society, was sued in 2010 for razing a hill in Nasirabad area of port city. The case is still under trial even after 12 years.

Like them, many influential individuals and organisations are repeatedly destroying hills in the port city even after being accused in cases filed to this end.

Zahirul refuted the allegations saying, “My political opponents are spreading false information, accusing me as a hill destroyer to take advantage. I didn’t destroy any hill.”

Asked why DoE sued him in several cases, he said, “DoE just filed the cases against me based on false accusations, but I am not convicted by the court yet.”

Legal experts and activists said hill destroyers feel safe to raze hills in the port city as this crime went unpunished till now.

“The main culprits remained unpunished due to the indifference of DoE officials,” Syeda Rizwana Hasan, chief executive of Bangladesh Environmental Lawyers Association (Bela), said at a seminar recently.

Mia Mahmudul Hoq, deputy director of DoE said, “We make efforts to catch the accused. However, key individuals do not directly cut the hills. So, we often fail to show the main

culprits as accused in the cases, as we have to file those according to law.”

LOSS, DAMAGE FROM HILL CUTTING

Siblings Mohammad Liton and Mohammad Ripon died in a landslide in Bijoy Nagar area of the port city in 2022.

A CU study found that more than 400 port city residents died due to landslides between 2000-2017. Destruction of hills is also triggering waterlogging as the loose soil from hill slopes are washed away into waterbodies during monsoon, causing water levels to rise and inundate the land in the vicinity.

Nipa Palit, a 22-year-old college student, drowned in a waterlogged road near her home last August. Waterlogging took nine lives in the port city between 2017-2023.

Besides, losses worth Tk 463 crore were incurred in one year alone around Khatunganj and adjacent areas in Chattogram due to waterlogging, according to a 2021 study.

Landslides and waterlogging are consequences of rampant razing of hills, said Mohammad Kamal Hossain, former professor of the Institute of Forestry and Environmental Science at CU.

NEED FOR GOVT INTERVENTION

Aliur Rahman, secretary of the Bangladesh Environment Forum's Chattogram chapter, stressed the importance of a separate hill defense force that can provide on spot service to save the hills.

Legal experts suggested reviewing the existing laws and strengthening the institutional framework and laws for management and control of destructive activities on hills effectively.

“The hill cutting must be legally defined as a non bailable crime, and punishment for the offence should be increased,” recommended SHM Humayun Talukder.

Environmental expert Mohammad Kamal Hossain suggested conducting a survey to know the current condition of the existing hills in the port city to save those from disappearing.



This file photo shows how hills were razed and trees were felled to built houses in port city's Arefin Nagar area.



Hills lost to urban sprawl.



Over the years, in many places of the port city, houses were built razing hills.



Even a few years ago, this used to be a hilly area in Jungle Salimpur.