

HERITAGE- Golconda Fort- Hyderabad Golf Assocn.

1. Forum's letter no.273 dt.27.1.2012 to the Public Information Officer- YAT&C- GoAP- Secretariat- Hyderabad is reproduced.

Dumping of mud and sand by Hyderabad Golf Club near Mustafa Khan Mosque from Oct, 2011 end to Nov, 2011 end with a brief stoppage upon Hyderabad District Collector's Order upon request from Waqf Board, resumed upon instruction of Secretary, YAT & C dated 16.12.2011.

We request the following information under RTI Act 2005 in reference to the Minutes of the meeting convened by the Secretary, YAT & C, GoAP on 16.12.12 to review the progress of Hyderabad Golf Course. The minutes, inter alia, contained instructions issued to the Hyderabad District Collector to permit the recommencement of the work started by Hyderabad Golf Course to continue their work of dumping sand near the Mustafa Khan mosque, which was earlier stopped by the District Collector on representation by the Waqf Board. [.....since there is no specific stay by the Hon'ble High Court and since a 3-member Official Committee have already prescribed detailed guidelines on how the development works should take place, the District Collector is instructed to permit.....]

1. Who is the competent authority to issue such instructions?
2. Under what rule and what provision of law, the Secretary, YAT & C, GOAP has instructed the Hyderabad District Collector, who had earlier stopped the work done by the golf course on request from the Waqf Board, to allow the work to continue? Please furnish us with the respective provisions of the law and the Rule.
3. Please send us a copy of the record of proceedings of the meeting which you called on 16.12.2011 wherein Hyderabad District Collector, MD, APTDC, and three representatives of Hyderabad Golf Association (President, Captain, and Honorary Secretary attended. Please let us know whether the Superintending Archaeologist, ASI, Hyderabad or his representative and/or the Waqf Board representatives (s) participated, as their names do not appear in the Minutes; if not why not? Please advise whether any note of dissent or any disagreement (with details) was voiced by any participant in the meeting. Please let us know whether any invitation was extended to Forum For A Better Hyderabad or any party disputing the dumping by the Golf Club.
4. Has the committee appointed by GOAP subsequent to the Court order permitting grassing subject to no change of contours, or any member thereof, noticed the truck loads of sand being dumped in area contiguous to the Mustafa Khan mosque?

5. Is there any record maintained by the officials of the activities by the golf course taking place therein? Please furnish us with copies thereof.
6. Whether any official(s) on your behalf, the Secretary, YAT & C, GOAP being responsible on behalf of GOAP for compliance with the MOU, and a respondent of the Hon'ble High Court's order permitting grassing only subject to no change of contours, made any visit(s) to the site to oversee the work?

A pay order for Rs. 10/- is enclosed towards the cost of the service. Please advise us further costs for payment. We shall appreciate if the information is sent to me at the earliest, on a top priority basis.

2. Text of Forum's letter no. 273-A dt. 27.1.12 to the PIO- Office of the Secy. YAT&C-GoAP is given below. Similar letters were also sent to the PIOs- Office of MD- APTDC/ Office of Collector& DM Hyderabad/ ASI Hyderabad.

We request the following information under RT I Act 2005:

1. Has the Committee or the ASI or any other member of the committee done any monitoring over the work done by the Golf club in the name of grassing without change of contours, till now? Is there any record maintained by the officers? If so, please give us copies thereof.
2. What is the meaning of "Contour"?
3. What is the meaning of change of contours?
4. Does the dumping of sand on the aforesaid site constitute change of contour?
5. How many truckloads of sand, and what quantity was dumped on the site, and what was its effect on the contour of the site? (We have documentary proof that the level was raised by about few feet)
6. Do you have the original contour map? Do you have the recent contour map?
7. Have you conducted study about change in contours? Please furnish the maps, notes, and records in the regard.
8. For grassing, do you do digging or sand bedding? What is the depth or height of sand bedding you need for growing the grass of the golf course?
9. Do you have the work plan with drawings?
10. Do you have the record of the works being done?
11. Have you checked with the field reality about the work being done?

12. Who is the authority to decide whether the work is to be done and decide the parameters?
13. Has that authority taken a decision?
14. What is the decision?
15. The note pertaining to that decision may please be furnished.

A pay order for Rs. 10/- is enclosed towards the cost of the service. Please advise us further costs for payment. We shall appreciate if the information is sent to me at the earliest, on a top priority basis.

3. Text of Forum's letter no. 274 dt.21.2.12 to the PIO- ASI Hyderabad:

Distance of HGA Clubhouse from Fort Wall

Please let us know how you determined the distance of the golf club house from the Fort wall to be beyond 100 metres. As per Google map, copy enclosed, the distance is 97.35 metres. Under the Right to Information Act 2005, we request you to allow us to inspect at an early date the relevant documents and notes, file notings, at your office. Please treat it as urgent.

It is not true that the golf club building is at a distance of 105 metres away. The Golf club house is within the 100 metres prohibited area of the Fort. We refer to a letter no F.No. 11/2/HYD/GLK/2008-M/120 dt 4.3.09 by ASI, Hyderabad to ASI, New Delhi stating inter alia, "they have also constructed a small permanent building for security personnel falling within the prohibited area next adjacent to the moat and a single-storied building as Club House probably falling within the prohibited area (hardly 80 metres) from the rampart wall of Golconda fort". We enclose Google map showing the location of the golf club house building at 97.35 metres i.e., within 100 metres of the Fort wall.



4. Forum's letter no.275 dt.21.2.12 to the DG- ASI New Delhi, with copies endorsed to SA-ASI- Hyderabad, Secy. YAT&C-GoAP, DM&Collector Hyderabad, MD- APTDC Hyderabad, is reproduced:

Golf course at Naya Qila Fort, a notified ASI monument, not permissible under Sections 20 A to 20 E of AM & ASR (Amendment & Validation) Act 2010.

The golf course set up under approval in principle dated 2001, and permitted under MOU dated Sept 2009 between the Secretary,

YAT & C on behalf of GoAP and DG- Archaeological Survey of India, New Delhi, is not valid under the captioned Sections of the Act, as the golf course project was never gazetted as being 'For Public purpose' as required, unlike the previous project of a 'Bird Sanctuary' which was gazetted as being 'For Public purpose'.

In the circumstances, please re-examine the validity of the MOU and cancel the MOU permitting the golf course within the prohibited area of the Monument; or, otherwise, advise us of the action taken by you on this letter. The afore-referred section(s) are appended.

5. Text of Forum's letter no.270 dt.18.1.2012 to the Chairman- Heritage Conservation Committee c/o HMDA Tarnaka, with copy endorsed to the Convenor- INTACH Hyderabad Chapter, is reproduced:

Establishment of a golf course at NayaQila Fort, and the works done within the prohibited and protected areas of the Golconda Fort, a notified Heritage precinct, without reference to HMDA and / or Heritage Conservation Committee (HCC): Violations.

A golf course (by the Hyderabad Golf Association) has been built, and is being built under an MOU dated September 2009 between GOAP (represented by Secretary YAT & C) and ASI, New Delhi, for the purpose of which 50 acres of government land within Naya Qila Fort have been allotted for the golf course. Besides being a national archaeological monument, Golconda fort area is also declared as Heritage Precinct under Regulation 13 (1) of HUDA Zoning regulations 1981 vide Notification no 3023/PR/HUDA/2000 dated 30.4.2000 of HUDA. Golconda Fort includes Naya Qila, vide ASI notification no 3/1/85 dated 5th August 1985. By Gazette notification dated 16.6.1992, the areas up to 100 metres and further beyond it up to 200 metres near or adjoining protected monuments were declared as prohibited and regulated areas respectively for purposes of both construction and mining operations.

No approval was, however, obtained, or even a reference made to HUDA / now HMDA, or HCC, for the project of the golf course. The golf course project, partly carried out already, however, clearly violated, and are violating several provisions of heritage laws. In fact, the lay out of a golf course is bound to affect the **site integrity** of the Naya Qila Fort, which is a virgin area; any surface disturbance caused by laying of the golf course, without prior complete scientific exploration of the entire area, will affect its heritage. The NQ Fort area was a populated area as evidenced by the presence of two large-sized mosques, discovery of silver coins, artefacts, broken vessels etc. - while digging by the HGA and / or ASI for part scientific exploration, and extensive graveyards. On the contrary, the golf course has used heavy machinery in the name of grassing, to break the rocky surface and the rocks, leveled the land, changed contours. (No contour map existed until late 2011, which too captures the current position and not the position at the time of handing over the land to the HGA in 2002); filled up the moats at several places; had cleaved the moat wall to make a passage for golfers between Jamalikunta and Naya Quila parts of the golf course, (which was closed only through a court order); has constructed a staircase along the moat wall for golfers after the moat cleavage was closed; made several constructions in and adjoining the prohibited areas of the NQ Fort;

cut channels for watering for grassing (deeper than one foot, violating 19(1) of AMASR Act 1958 and 2010), dug 30 feet high and heavy poles to fence the golf course within the prohibited area of NQ Fort, (all in violation of 19(1) of AM&ASR Act 1958 and 2010, which permits digging, that too only for agricultural purposes, up to 1 foot only, and does not permit any construction within prohibited area of 100 metres of the Fort wall) ; planted a transformer for lighting by digging about 5 feet; etc., etc. Recently, they intruded into the area of the Qutb Shahi Garden by showing its area as about 7 acres only, whereas the area as per published maps comes to about 28 acres, subject to a variation of + - 5 per cent. More recently, they intruded into the area of the grave yards around the Mustafa Khan mosque. In fact, they downloaded hundreds of truckloads of sand and earth into the graveyards area around the Mustafa Khan mosque, thereby changing the contours of the area drastically. The Waqf Board which was ordered by AP High Court to demarcate the areas of the Mustafa Khan mosque and the grave yards estimated about 28 acres as the area of the grave yards surrounding the mosque, for the exact location of which chemical testing of the soil was recommended, and this report was filed with the High Court. The then Secretary of YAT & C, however, got an order issued for resurvey and all sorts of pressure was exercised by the concerned authorities to make them change the report – we do not know the final outcome thereof.

The golf course project has not been gazetted as for public purpose, whereas this is a necessity under Sections 20A to 20 D of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 (No 1 of 2010) which prohibits grant of permission for any construction (which should be interpreted to mean any work not connected with a monument's preservation) in a prohibited area of a protected monument except for public purpose which must be officially notified; and if granted earlier than coming into force of this Ordinance must be subjected to strict scrutiny of an Experts' Committee to be notified.

If you so desire, we can produce documentary evidence in support of our statements.

As of now, three cases are pending before the AP High Court; the first praying for withdrawal of the land allotted in NQ Fort for the golf course; the second one praying for protection of the correct area of the Qutb Shahi garden ; and the third one to protect the areas of the graveyards around Mustafa Khan mosque. In regard to the first case, the Court after initial stay on construction work in NQ Fort area, has permitted only grassing subject to no change of contour and GOAP has appointed a 3-member committee to enforce implementation of the order. In the name of grassing, HGA has, however, covered everything conceivable even remotely connected as aid to grassing, such as cutting channels disturbing the undiscovered hydrology and drainage of the area, draining heavy water from ground and Naya Qila Talab for continuous sprinkling of grass area (Nya Qila talab 's FTL has not yet been determined and its level has already fallen and it will dry soon when HGA will invade its area) . In regard to the second case, court is yet to give further hearing. In regard to the third case, a second report is yet to be furnished by Waqf Board to the Court.

We request you to kindly intervene to protect the heritage precinct.

6. Text of Forum's letter no.272 dt.18.1.2012 to the Supdt. of Archeology, ASI- Sultan Bazar- Hyderabad is reproduced. Copies were endorsed to The Commissioner- HMDA-Tarnaka, District Collector- Hyderabad, Sri S.K.Gupta- Member Environment- Lake Protection Committee- HMDA.

Sub: Naya Qila Talab- destruction of water body & violation of legal norms.

With reference to the Naya Qila Talab inside Naya Qila of Golconda Fort please note that continuous withdrawals of water are going on by Hyderabad Golf Association (HGA) by using electric pumps to supply water for grassing the grounds below Mustafa Khan Masjid for development of Golf Course – that is leading to a **drastic shrinking** of NQ Talab.

1. This is a violation of MOU entered between ASI/GOI and ASI on 23rd September, 2009 that specifies:

"The GOAP shall ensure that the water bodies and natural feature within Naya Qila are kept well preserved and nothing is done to cause any physical damage to them including their aesthetic character." (point 15 on page 6)

2. Further, this is also a violation of WALTA ACT of 2002 that specifies that the AP State Water, Land and Trees Authority shall take all measures to permanently demarcate through the dept of govt or organization concerned...(chapter IV, point 23). HGA actions are reducing the water spread of Talab and obstructing correct demarcation of its boundary and specification of its Full Tank level (FTL).

3. Finally, Naya Qila is part of Golconda Fort that is a declared heritage precinct (GO Ms No 102 dt 23.3.1998 & notification no 3/1/85 dt 5th Aug 1985). As such **no alteration can be made or affected without consent of HMDA acting on advice of Heritage Conservation Committee (HCC).**

In view of the above kindly ensure that any tampering with the NQ Talab is stopped with immediate effect.

7. Report in The Hindu dt. 9th January, 2012

Times of India had reported about the possibility of shifting of Hyderabad Zoo to Kammadanam forest block in Mahbubnagar Dist. about 45km from the city. Forum through its letter no.271 dt. 18.1.12 has protested to the Collector- Hyderabad, DFO Hyderabad, & DFO Mahbubnagar. Extracts from the Forum's letter are reproduced.

..... The zoo is an important landmark of Hyderabad and has a unique lion safari and depiction of the dinosaur age through images built. It is a popular destination for tourists and other visitors to Hyderabad, and provides entertainment to lot of families and children in the locality who are not so well-off. The area of the zoo is also comparatively more spacious than those in many other cities of India. We fail to understand why suddenly there has arisen a need to shift it elsewhere, It further transpires that the Forest department has opposed the idea. Andhra Pradesh is already drastically short of its required forest area, and the forest area is reducing by the day. Even Planning Commission has drawn the attention of the State Government, and the State Chief Minister, while sanctioning the allocation of plan funds for the A.P.

- We are opposed to any reduction of the Forest area for any reason.
- We are opposed to shifting of the zoo from Hyderabad for the reasons stated.

Civil society groups seek shifting of golf course
The Hindu : January 9, 2012
 Special Correspondent

Naya Qila fort not convenient from traffic point of view and protection of heritage, say activists

HYDERABAD: The Forum for Better Hyderabad and other civil society groups have reiterated their demand to shift the Hyderabad Golf Association course near Golconda Fort to a more spacious area away from the city.

“Naya Qila fort is not a convenient site from a traffic point of view and there are inherent impediments to protecting its heritage,” said M. Veda Kumar, M. Mandal, P.M. Bhargava and others representing various groups at a press conference on Monday.

Poser to police

Instead, the government should take steps to take up a project to promote the heritage of Naya Qila fort and water bodies of Jamalikunta. They also demanded the police to explain why a ‘peaceful’ meeting of the activists near the golf course site to protest the ongoing works was disrupted through forcible eviction and on what grounds they were taken into preventive detention.

“We had only assembled to witness the second survey ordered by the government. We want to know why our tent was uprooted while the tent put up by the Golf Association was untouched. We opposed the re-survey because no action was taken based on the first survey which has been

submitted to the High Court,” said social activist Jasveen Jairath.

Charge against HGA

The civil society groups’ members have written to the District Collector, City Police Commissioner and respective police officers from the zonal level to the station house officer seeking an explanation from the police for the eviction.

They denied trying to prevent the second survey taking place as the police had already evicted them from the site before the team had even arrived.

Disregarding orders

Ms. Jairath and Mr. Veda Kumar charged that the HGA was disregarding court orders despite three pending cases and changing the contours of graveyards by dumping lorryloads of sand and earth at the site.

The officials of the Archaeology Survey of India (ASI) were not visiting the site despite violations being pointed out.

in-Chief: N. Ram (Editor responsible for selection of news under the PRB Act)

(Environment- Forest area- Zoological Park)

- Please, therefore, let us have full information on the proposal if any for shifting, and a copy of the project report; how the requirements for space for the zoo have been computed; what are the plans for addition/ expansion of the zoo on a short, medium and long term basis; whether all alternatives for

providing more space in Hyderabad have been explored; and whether the expansion of the zoo can be located elsewhere and the existing zoo retained at its location, with speedy and convenient linking between the two.

- Please do not rush and take any hasty decision to shift the zoo.
- Please also let us know what use is proposed to be made of the area occupied by the zoo. We are opposed to any reduction in open space in Hyderabad, which the zoo provides.
- Any shifting of the zoo if contemplated should be made part of the HMDA Master Plan.

ENVIRONMENT- Water Bodies- Hussainsagar

Extracts from report published in the Times of India dt. 13.1.2012:

“Clean” Hussainsagar still a distant dream. Pollution Continues To Blight The Water Body Despite The launch Of Japan-Funded Project 6 Years Ago.....Average pH level (acidic content) has crossed the 8.5 mark. From 8 in 2006, it has gone upto 9 in 2011. The Oxygen content in the water has dropped significantly, from 3.9 in 2006 to below 3 in 2011. Optimum level is 4. The project has done little good for the lake, on the contrary, it has sent pollution levels skyrocketing and shrunk its waterspread area by over 25%....HMDA has taken up development of an ecological park. “The Park project cuts into a neat seven acres of Hussainsagar’s area and is in gross violation of a 2005 report (submitted by a special committee appointed by the Supreme Court) which had clearly noted that no work apart from the greening of buffer zones was allowed to be taken up around the lake”, said Jasveen Jairath, founder convener of Save Our Urban Lakes, that has been battling to get this project scrapped.....But HMDA authorities seem completely oblivious to these glaring gaps in the multi-crore project.....

PUBLIC HEALTH- Liquor Syndicate

A news item in Times of India dt. 29.2.12 is reproduced.

Responding to a public interest petition that wanted the AP High Court to monitor the ongoing ACB probe into the activities of the liquor syndicate in the state, the A P High Court on Monday admitted the petition and sought a status report from the ACB within 3 weeks on the outcome of its probe so far. The Division bench comprising chief justice Madan B Lokur and justice P V Sanjay Kumar made this interim order while hearing the petition filed by O M Debara of Forum for Better Hyderabad who raised serious doubts about the current probe reaching its logical conclusion. Liquor syndicates are thriving in the state by bribing politicians, police and excise officials, and are running a liquor raj without following any norms pertaining to the Excise Act like maximum retail price, belt shops, counter sales, timings for sale of liquor and even adulteration etc. An amount of Rs 500 crore is being paid annually as bribes to all influential sections in the society to ignore these violations, the petitioner said.