

ENVIRONMENT- BIODIVERSITY

Biodiversity Act- Biodiversity Panel

The text of letter dt.11.9.2012 from FBH to The Chief Secretary, Govt. of AP is reproduced. Copies were endorsed to the Commissioner GHMC, Commissioner HMDA, Principal Secy. MA&UD.

Bio-diversity panel. Representatives of political parties aspire to become Members of the Committee – Report in Deccan Chronicle dt 10.9.12, Captioned 'GHMC yet to form biodiversity panel' (page 3).

We express our disagreement to any move, as reported above, of political parties to become members of the committee of the proposed local bio-diversity panel (BDC). Such a panel should be a specialized body, consisting of only experts, like the Pollution Control Board, and should not induct into it politicians, who are sure to bring into it partisan or extraneous considerations. If the BDC proposes any or modifies any legislation, political parties can always have their due role through the representative bodies, like panchayats, legislative assembly, etc. The reported move of the political parties should, therefore, be strictly warded off.

PEOPLE'S FORUM FOR BIODIVERSITY (PFB)

It is a pan-Indian alliance of various people's forums, NGOs, Farmers' unions, Adivasi unions. It had organised an exhibition cum conference during 15-16 Oct.'12 in the Exhibition Grounds, Hyderabad, at the time of COP11 Conference on Biodiversity, displaying and celebrating peoples' way of nurturing and getting sustenance from nature's biological gifts.

According to PFB, Rights of People & Nature- not Profit- should be the central objective of COP. Biodiversity is under threat due to three principal reasons- three Cs viz: **Consumption, Contamination, Commercialisation / Capitalism.** (i)Overconsumption along with wastage of both biotic and abiotic resources is eroding biodiversity at a rapid pace. (ii) At many places across India and Andhra Pradesh, industrial and urban effluents are contaminating bio-resources, including water, food and land. Modern biotechnology is modifying the very DNA of plants, vegetables, fish, animals

and various other bio-resources. (iii) Scarce bio-resources are increasingly being commercialised and privatised.

The Economics of Ecosystems and Biodiversity (TEEB), a massive accounting system was undertaken to price the ecosystem, the value of nature. The outcome shows that it is innumerable pricey than the profit earned by destroying it. Even where biodiversity is not lost, access to biodiversity resources is being restricted by intellectual rights (eg. Patents on seeds) or conservation steps such as protected areas. Because of the 3 Cs, people and communities are losing incomes & livelihoods and becoming poorer by the day.PFB has made a call on Parties in COP11 to strengthen (not weaken) the Convention's core principles- like the ecosystem approach, the precautionary principle, and an understanding that biodiversity cannot be separated from those humans who nurture, defend and sustainably use it. PFB has asked Gol to take certain specific steps for this purpose.

ENERGY, CLIMATE CHANGE & BIODIVERSITY

Letter dt.23-10-12 from Dr M Mandal, senior member of FBH, to Mr SagarDhara, EAS Sarma, Capt J Rama Rao, is reproduced. "The attached Hindu and DC editorials dt.22-10-2012 – The Economics of Nature in The Hindu, As yet biodiversity fight is paper war in DC- point out the inconsistency between the professed objectives / claims of the authorities at all levels in regard to appreciation of the importance of environment toward development. Apart from that common objective study of the contribution of nature to the livelihood of millions, 47% of the 'GDP of the poor' coming from eco-system studies. Bangalore is said to have done some study in this regard. If your newly formed Forum brings to the public notice some actual findings in regard to the contribution of Nature and Bio-diversity to GDP, it will be an eye-opener to most of us. Further, if some study into this aspect with reference to HMDA area can be conducted, with the help of the universities, it will really contribute to the movement for preservation of bio-diversity and sustained development. I request you to initiate action in this regard."

WATER BODIES - Hussainsagar

- The text of letter no.611 dt. 6-10-12 sent by FBH along with SOUL to The Mayor, GHMC is reproduced. Copies of

the letter have been endorsed to The Commissioner GHMC, Commissioner HMDA, MD BPA, Director Lake Protection Authority.

“As per the above report, consequent on your visit with the Commissioner, GHMC and other officials to site, it was, inter alia, decided that as part of Hussainsagar cleaning drive ‘stagnant water behind Buddha Bhavan too will be pumped out.. While we welcome the cleaning move, we request you to ensure that the cleaning the area is refilled, and steps are taken that the reasons for stagnancy of water therein are removed effectively. The area, after being denuded of stagnant water, must not be used for any ‘eco-park’ etc, as any step to encroach upon a water body, particularly Hussainsagar, is prohibited by several A.P. High Court and Supreme Court orders, and against the recommendations of the Supreme Court-appointed Committee on Hussainsagar. We advise ample precaution against any such hasty and non-informed decision in the wake of the Bio-diversity Conference. Please advise.”

- Paradise Hotel has come up on a site next to I-Max theatre in violation of AP High court and Supreme Court orders. Desirability of filing a case after collecting sufficient data will be examined.
- Dr. Jasveen Jairath of SOUL had filed a Contempt case against the GHMC Commissioner as dumping of debris / levelling of ground / construction of boundary wall / casting of foundation opposite Sanjivaya Park was being done in violation of High Court / Supreme Court directives. The Court after hearing both sides dropped the case as GHMC counsel gave the assurance that no further work will be done. Work was however continued even thereafter.

HERITAGE- GOLCONDA FORT- Golf Course

An appeal- signed by FBH, SOUL, Save Golconda Society, and a few other civil society groups- was made to the Delegates of Conference of Parties (COP) 11 not to participate in the golf tournament proposed on 15-16 Oct. Copy is printed below. A Brochure detailing the improprieties and illegalities, supported by photographs, of the Golf Course project of HGA was printed and circulated. The Brochure can be viewed in the Forum’s website. An almost identical letter dt. 5.10.12 *but excluding the specific appeal to the Delegates of COP 11* was sent to The Minister of Environment & forests, Gol, and the Minister of T&C, A&M & Archives, GoAP.

On the basis of the appeal letter, a write up was published in the CBD Alliance’s website- ECO vol.44 Issue 3 dt. 10-10-12. A remark “*This side event was left out of the printed list*” was printed alongside. (It is learnt that on 13.10.11 none of the delegates came to the golf course, but on 14.10.11 about

12 delegates had taken part in a golf game. State Govt. had reportedly sanctioned Rs.4 lacs to Hyderabad Golf Assocn. for the purpose of golf tournament of the delegates of COP11.)

The Organizers of COP 11 at Hyderabad,

*1-90/1, Plot No.20, Kavuri Hills, Madhapur - HITEC City
Hyderabad, A P, INDIA - 500 081*

Dear Sir(s),

Proposed two- day golf tournament of COP Delegates to Hyderabad golf course on October 13– 14 , 2012.

We welcome you to our City. We are sure that from the COP 11 conference, we shall learn a lot from you and initiate new channels of communication with you on mutually interesting areas.

We are disturbed to learn from press reports that a two- day golf tournament for COP Delegates at the Hyderabad golf course is being organized by Hyderabad Golf Association, backed by the Tourism Dept. of the State Govt. stating the Golf Course as a government project.

The Spirit of the game of Golf teaches one to accept Nature, in all its facets, and to cope with these to play golf, not by altering these, nor by changing the character of the Site, for playing golf. The Hyderabad golf course, on the contrary is, and being, created, by destroying different facets of Nature, shrinking Water bodies, changing Contours, and Destroying the Heritage character of notified ancient monument of NayaQila Fort, an integral part of Golconda Fort. The Allocation of the sites for the golf course was fundamentally wrong: such as,

—NayaQila Fort, a well-populated area with two large mosques, a virgin unexplored territory, its site integrity being its USP as a Heritage site, its sub-soil remains likely to be culturally significant as it was a well- populated place with two large mosques - already coins, artefacts were unearthed while digging and levelling by the Hyderabad golf club for laying the course ; the change of Contour by use of heavy machinery causing Surface disturbances to un-explored sub-soil remains; - Jamalikunta, originally a Kunta or water body; - ShatamTalab, an ancient lake, not at all pertinent to a golf course.

The Separation of the three parts of the golf course, by Moat Walls and Moats, and the need for a Connect among these parts, the Uneven and Rocky terrains of the Site, would invariably lead to undo, break, fill up these, as the case may be. Precisely, these happened and continue to happen. A PIL with the AP High Court challenging the location of a golf course in NayaQila, is continuing.

On a reference made to the Heritage Conservation Committee as Golconda Fort including NayaQila is a heritage precinct, the former observed: the work involved is a major developmental activity and they are not in favour of Golf course inside or adjacent to, and within 30 metres from the boundary walls of Golconda Fort precinct.

It is for you to decide, whether in the context of the objectives of the Conference, you should agree to the visit to the golf course to play thereat, which will give it enormous publicity and cover up the impropriety of this Nature and Heritage destroying project; Or decline the invitation. The ownership of the project by the State Tourism department does not diminish the impropriety of its creation. The project was never gazetted as a 'Public Purpose' project unlike the Bird Sanctuary project, which was so declared and which was relevant to the Site abounding in varieties of birds, and for which farmers' lands were acquired. A brochure detailing the improprieties of the golf course is enclosed.

GolcondaFort - NayaQila

The text of letter dt. 30th October 2012, addressed jointly by the Forum (FBH) and Centre for Deccan Studies, to Prof. ChahryarAdle, c/o UNESCO New Delhi is given below. Copies of the letter were endorsed to DG ASI New Delhi, Director State Dept. of Archaeology & Museums GoAP, Spl. Chief Secy. (YAT&C) GoAP. (Prof. ChahryarAdle was the chief representative of ICOMOS Team visiting Hyderabad to examine suitability of heritage sites.)

Dear Prof. Adle,

A very warm welcome to you to Hyderabad!

We are members of civil society who have been engaged with a struggle to safeguard city's unique heritage. It is indeed very fortunate to have you with us here today to enable us to share some of our deeply felt concerns-particularly in the context of Golconda Fort.

We have come to know that in the proposal/consultant's report submitted by the Govt. of Andhra Pradesh regarding the recognition of Charminar, Golconda Fort and QutubShahi Tombs, the Nayaqila area of Golconda Fort has been designated as a "Buffer Zone". We wish to bring to your notice that under the Ancient and Historical Monuments and Archaeological Sites and Remains Act, the NayaQila is an integral part of the protected Monument (notification no. 3/1/85 dated 5th August 1985). As such, declaration of the NayaQila as a buffer zone is a gross misrepresentation of facts.

This move has been opposed by experts, scholars and heritage activists alike as it is detrimental to site integrity of this unexplored adjunct of the Fort – which is rich in monuments,

ancient water management systems, where coins and artefacts were found while digging by the golf course and that houses two fair-sized mosques and other remains like the historic QutubShahi Garden (which is one of the few Persian gardens surviving in India)

We enclose 2 booklets which document in details our objections substantiated with opinion of internationally renowned scholars and academics who are familiar with NayaQila and have stressed on its importance as an unexplored archaeological site which is the most undisturbed quarter of the historic fort.

Accordingly, we stress the need for early recognition of the Golconda Fort including the NayaQila, as we feel this action will ensure proper protection and conservation of this pristine cultural asset of our city.

HERITAGE- Urban Arts Commission (UAC)

Text (-a bit shortened-) of FORUM's letter No.602 dt. 11-9-2012 to The Chief Secretary, Govt. of AP is given below. This letter was endorsed to Heritage Conservation Committee, Spl Chief Secy- YAT&C, Principal Secy- MAUD, Commissioner HMDA.

Conservation of Heritages in Hyderabad— Need for Restoration of the functioning of the Urban Arts Commission (UAC)

Hyderabad's unique selling position as a tourist destination is its character as a heritage city. This gives it enormous revenue potentials from tourism, provided heritage is conserved and not destroyed. So also with lakes, rocks, parks, trees. The oft-propagated motto of the city is to have a heritage-centric development planning for the city. In reality we observe that heritage structures are crumbling, being demolished; heritage precincts, too, are being corrupted by not maintaining the sky lines, improper signages, incompatible and high rise structures. HBs owned or used by the State Government are mostly not even maintained properly, because of non-allocation or inadequate allocation of budget by the State Government; In the case of privately-owned HBs the position is far worse as the Government is not granting any worthwhile incentives for their owners, despite a well-argued Incentives Scheme submitted by INTACH, Hyderabad chapter to the Government few years ago, and pursued by them.

In 1976 the Hyderabad Urban Arts Commission was set up. The Commission is not functioning from 1982 after the expiry of the term of its first batch of members, as no new committee was formed thereafter.

By G.O. Ms. No. 542, M.A dated 24.12.1995, the Heritage Conservation Committee (HCC) was formed for HUDA, now

HMDA area. The Committee is a prestigious body, and composed of members from all relevant disciplines and fields. Its scope of work is, however, much more limited than that envisaged for the UAC. It is limited only to individual cases referred to it, or takes notice suo motu, and gives its opinion to HMDA, but can be overruled by the state government suo motu under article 3 of Regulation 13, which has happened in several cases.

Our recommendations:

After careful consideration of we have come to the view that, side by side with the HCC, the functioning of the UAC, the law for which is still operative, should be restored.

HCC deals with cases only referred to it, sometimes also taking up suo motu, but it has no role in urban planning which is done by HMDA & GHMC. UAC has a strong planning function.

It is an Art and Environmental Commission intended to recommend to Government as to:

- the restoration and conservation of urban design and of the environment in the areas;.....
- the planning and development of future urban design and of the environment;.....
- UAC advises the Govt. on the restoration and conservation of archaeological and historical sites and sites of high scenic beauty; archaeological and historical sites are entrusted to the State Archaeology Dept. which works under the control of YAT & C, GOAP. HCC has no role in protecting sites of high scenic beauty;
- UAC can recommend financial assistance for conservation: HCC cannot.
- UAC's jurisdiction is for whole of Andhra Pradesh. HCC's jurisdiction extends only to HMDA area.....
- UAC like HCC is to advise the Govt. and does not possess power to execute.

Stage 1:

The restoration of the UAC should be done at the earliest by forming a new body of its members and appointing a

Chairman.

Soon after the functioning of UAC commences, an exercise should be initiated to widen its scope to take to include contemporary requirements such as the need to extend modern civic facilities to areas where, in Hyderabad, we find heritages predominate, e.g., the old city, which is also comparatively less developed; without affecting its essentially heritage character. This is also the proclaimed objective of city planning in Hyderabad, namely, to have a heritage-centric development planning for the city. But such planning requires considerable specialized skill, and unremitting attention, which clearly cannot be expected from the municipal corporations and HMDA, whose attention is given to more urgent issues. A special body like the UAC is required for such purpose and the Corporations, HMDA, MAUD will be consulted no doubt but the views of the UAC must prevail.

Stage II

Say after a year or so after the UCA starts functioning, we may take up its suitable amendment to enlarge its functions on the lines of the Delhi Urban Commission which is meant to preserve, develop, and maintain the aesthetic quality of urban and environmental design within Delhi. Whereas, Hyderabad UAC is intended to recommend; Delhi UAC can approve, reject or modify proposals and to promote and secure the development and re-development of areas in Delhi.

Stage III

On a mid to long term view, say 3 to 5 years, we should set up a State Trust for conservation and promotion of heritages and environment, on the lines of the National Trust of England. The major differences between Arts commission and the National Trust are: 1) The Arts Commission has got no legal power to hold property. 2) It is more of a regulatory body and not directly a developmental agency.

It is suggested that a State level Trust be formed on the following lines.....

A published paper on comparative position of Delhi and Hyderabad UACs and on National Trust and State Trust is enclosed for your information.

NATURE PROTECTS IF SHE IS PROTECTED