

HERITAGE- NAYAQUILA- GOLF COURSE

(1) Forum For A Better Hyderabad has published in Jan.2013 a booklet "NAYAQUILA- GOLCONDA FORT UNDER THREAT FROM A GOLF COURSE", which has been downloaded in Forum's website www.hyderabadgreens.org. The booklet, inter alia, reproduces relevant rules of the Ancient Monuments & Archaeological Sites & Remains AM & ASR Act; the relevant A.P. High Court judgments, and the provisions of the MOU governing the golf course. By reference thereto, any person can detect a violation in the prohibited and protected areas of Naya Qila, which is an integral part of Golconda Fort, in terms of an ASI notification, and lodge a complaint, with reference to the respective provisions, with the Archaeological Survey of India- Hyderabad circle, Collector & District Magistrate- Hyderabad district, the MD-APTDC, Hyderabad, preferably with a copy to Forum for follow up. The booklet also reproduced relevant maps of the area, and describes in fair details violations due to the setting up of a golf course, the inherent incompatibility in the setting up of a golf course on the site and the danger caused to its site integrity. Comments will be welcome to drmmandal@yahoo.com.

(2) Based on a news item in Times of India dt. 29-01-13 and Sajjad Shahid's article in ToI dt 24-02-13: Hyderabad Golf Association (HGA) shelled out Rs 75,000 as penalty for chopping off 15 large trees in Naya Qila.

FBH had complained to Forest Dept. a number of times against cutting of trees by HGA. HGA said that they had only asked the labour to clear some bushes, but the workers chopped the trees as well.

Penalty was paid by the HGA without a murmur, for it was peanuts when measured against what has been gained- a clear freeway for golfers attempting aces and birdies. A further stipulation requiring planting of 45 new trees had the HGA smiling from ear to ear- for shaded treeline vistas were ideal backdrops on golf course as long as the foliage is put in proper place!

(3) FORUM's letter dt. 8th Feb. 2013 to The Superintending Archaeologist, Archaeological Survey of India, Hyderabad Circle, on the subject: **Channel – cutting on left side of Main entrance of Naya qila Fort , Near farmers' land near Naya Qila Talab. Your letter no GC/GOL/2011-12/M/2973 dated 29/30.1.2013.**

With reference to your above letter, please advise us on the following points:

The illegal works done near Naya Qila Talab site were first brought to your notice on 18.12.2012 by the undersigned by telephone, fax message, followed by letter, and again on 21.12.2012 which were acknowledged at your office. Finally, we wrote by fax message and letter on 22.12.2012, referring also to previous letters. SMS on similar lines were also sent to the Conservation Assistant (C.A), Golconda Fort. Please let us know when the site was actually visited by the C.A., and when the perpetrators of the illegal work were advised of ASI's instruction; and when was the work actually stopped. The work was stopped only after Hyderabad District Collector's intervention on our approaching him, and our volunteers filed a complaint with the police.

- What steps are being taken to restore the site to its prior position, and within what time frame?
- The full contents of ASI's show cause notice, whether it covers the points under items 2, 3, and 5 of our letter dt 22.12.12; whether it advises the offender of recurring violations and breach of promises as mentioned by us in the last paragraph of our letter of 22.12.12. In this connection, we observe that the comments in your letter under reply, viz., **"making very small open channel for free flow of rain water from upper level to the tank", seem to downplay the violation.** Not merely was the moat wall disturbed, but also removal of stones and boulders from near the base of the Fort wall was a serious offence, and constituted violation of the High Court Order in WRIT PETITION NO.29300 OF 2011; all the works violated the

prohibitory order of 8.6.2010 of the High Court on any work other than 'grassing' without change of contours under supervision of the concerned authorities. No supervision over any work at the NQ Fort area is generally exercised by the ASI.

- Whether any time limit has been fixed for submission of reply by the offenders. You will please recall that earlier regarding the violation by digging in Qutb Shahi Bagh using the false sign board of the GHMC, a show-cause notice was issued by ASI. How was it disposed of? Did you take any penal action ?
- We would also like to mention that the ASI needs to exercise its own vigilance to detect any violation, and not depend on others to inform, and initiate action only when a violation is brought to its notice. We suppose one reason for establishing an outpost for Golconda Fort is precisely such unremitting vigilance. We are constrained to comment that your outpost has failed in this respect and also to act on information provided. In this case, no FIR, not even a complaint, was lodged with the police. **There seems to be a pattern of violations work being continued and stopped only after the work is completed.** Thereafter, neither is there any follow up to restore the status quo anti-bellum nor is any action taken. We submit that the working of the Golconda outpost needs to be tightened. The working of the ASI guards also needs to be tightened.

Kindly advise us at an early date. A copy of this letter is being endorsed to the Director (Monuments) ASI, New Delhi.

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(4) On 4-1-2013, FBH has sent an Appeal under Rule 8 of RTI Rules 2012 to Chief Central Information Commissioner, New Delhi, for non-receipt of information from ASI Hyderabad Circle applied for vide FBH letters Nos. 273-F dt 27-01-2012 and 276-F dt 20-03-12.

(5) Extracts from Forum's letter dt 8 Feb. 2013 to The Public Information Officer, Office of the Commissioner, G.H.M.C. re. Compliance with A.P. High Court order dated 31.12.12 in PIL no 276 of 2012.

We request you under RTI Act 2005 to furnish us with the following information:

The status re restoration of the wrongly excavated area on the site of the Qutb Shahi Garden. And the status re pursuance of the charge sheet in respect of the above wrongful excavation using GHMC's false sign boards, which was filed by Hyderabad C.P. at the instance of GHMC before the Addl. Chief Metropolitan Magistrate, Nampally on 10.10.12.

2. Both the above actions were ordered by A.P. High Court order dt 31.12.12, which directed the GHMC to restore the wrongly excavated area and the Hyderabad City Police Commissioner to take necessary steps on the complaint filed by GHMC on 9.8.12 before the Golconda Police Station, the charge sheet in respect of which was filed before the Addl. Chief Metropolitan Magistrate, Nampally on 10.10.12.

(6) On 02-11-2012 FBH has filed in the AP High Court a contempt case for wilful disobedience of orders of the High Court dt. 8-6-2010 in WVMP 2023 of 2009 in WPMP 7081 of 2009 in WP No. 24623 Of 2008. The Respondents are: DG-ASI-New Delhi, SA-ASI-Hyderabad, Spl.CS-YAT&C, MD-APTDC, Collector&DM- Hyderabad, and Secretary-Hyderabad Golf Assocn.

HERITAGE- Golconda Fort- Moti Darwaza

Save Golconda Movement (-Mustafa Towers, Lakdi Ka Pool-) have represented to the Collector& DM-Hyderabad Dist. by letter dt.07 Feb.2013 that unsocial elements and land grabbers are destroying and filling up the moat by dumping mud, solid waste, & garbage at heritage monument Moti Darwaza, thus levelling the moat for encroachment. They (SGM) lodged complaint with Senior Conservation Asst. Golconda Fort, but in vain. SGM have therefore requested the Collector& DM to visit the site and take immediate action. SGM have sent identical representations on 7th Feb. to the DCP/ ACP - West Zone, Suptdg. Archaeologist- ASI Hyderabad Circle.

ENVIRONMENT- TREES

The Hindu and DC reported on 10-01-13 that trees on Karkhana main road were cut on 9-1-13. SCB had granted permission but without taking approval from either Forest Deptt. or District Level Tree Committee, which is legally mandatory. Forum has therefore requested Divisional Forest Officer, Aranya Bhavan, Hyderabad on 11-01-13 that GO Rt No.539 of 11-12-08 re: tree cutting be circulated to all Govt. deptts. and Builders Assocs. Once every year.

From cradle to grave, human beings are dependent on trees.

ENVIRONMENT- PARKS

On 17-01-13, FBH has written to Director- Urban & Biodiversity- GHMC, under RTI Act, enquiring whether Vengal Rao Park is being put to any use other than for providing lung space for the city, like for holding marriage ceremonies. FBH had on the same day also written to Metropolitan Commissioner- HMDA with copy to Spl. Commissioner GHMC about reported improper use of this park.

ENVIRONMENT-WATER BODIES- Lakes& Canals

HC orders demolition of multi-storey building on canal (ToI 02-02-13)

In a rare order (WP 14468 of 2011) that could serve as an example for authorities trying to save hundreds of lakes from encroachment, the A.P. High Court hauled up the State Govt. for allowing a multi-storied structure to come up on a canal, and has paved way for its immediate demolition.

The five-storied commercial complex abutting Talkie Town multiplex in Miyapur is right on a canal which connects two lakes, Patel cheruvu and Gangaram cheruvu, which is a lifeline for link-chained water bodies in the area. For two years, the convenor & members of SOUL (Save Our Urban Lakes) in Serilingampally Mandal and other environmentalists fought, first against erection of the structure located in a 1,000 sq.yds. area and then for its demolition, without any luck.

In October 2010, the revenue department officials served notices to land owners about its decision to demolish the complex, as it was posing a threat to ecological balance in the region, but the owners moved court and obtained a stay. Finally after much deliberation and endless hearings, the High Court, not only quashed the case on 19-12-2012 but also criticized the government for not doing enough to protect lakes.

“The benevolent state government which has generosity to go to the rescue of persons, who fail to get any favour in the lower levels of administration, had issued GO..... directing the district collector to grant permission to the petitioners for construction,” the Court observed. Armed with the order, the revenue department officials said they are waiting for a final nod from the Ranga Reddy Collectorate for demolition.

According to official records there are 3,086 tanks in the HMDA area and of them 501 lakes are in the surrounding areas of the city, which have either been encroached or prone to encroachment. While GHMC

has taken a pledge to save the remaining lakes, land sharks, using money and muscle power, have been successful in filling up water bodies for building complexes. Things have come to such a stage that a few city businessmen have even submitted a plan to the Supreme Court for erecting a multiplex right on Hussainsagar lake bed.

URBAN PLANNING- LAND USE- Open Space

(1) Forum (FBH) has written to Metropolitan Commissioner- HMDA:-

On 01-02-2013 objecting to conversion of 5,058 sq mtrs. of land in Shaikpet village (Mandal Jubilee Hills) from open space to residential area zone, by Govt. memo dt. 24-08-12; and on 15-01-2013 objecting to notification in DC of 12-12-12 converting Ac. 26.264 open space to residential use in Sy no.42 of Bandlaguta in RR Dist. **Extracts from AP High Court judgement dt. 28-01-1997 re: conversion of park, and CAG's Report for the year ended 31-03-2010- Deptt of MAUD –Objection to land use change, have been annexed to FBH's letter.**

Annexures to FBH letters:

The extracts from AP High Court Judgment Dated 28-01-1997 in its landmark judgment on W.P.Nos.25835/96 and 35/97 are reproduced below for your ready reference:

“None of the respondents have been able to dispute the averment on behalf of the Petitioners and interveners that the City's Parks and other open spaces are hopelessly inadequate as per the standard in this behalf The city is already breathing less than required breath and further depletions, by acts of the State, of the lung spaces of the city will make the breathing more difficult”. (Pages 51 - 52).

“Since we have found that the respondents have acted in violation of the fundamental rights of the Petitioners and others similarly situated and we have taken the view that any conversion of the parks to any other use, would violate the rights under Articles 21 and 14 of the Constitution of India, we unhesitatingly accept the Petitioners' plea that respondents have to be restrained from converting the parks to any other use” (Page 59).

“Whatever little scope was available to argue that the government of the state represent the sovereign and retained thus its eminent domain in deciding in respect of the use of a public place one way or the other is taken away by the Constitution (Seventy-Fourth

Amendment) Act, 1992 and Article 243W (a) therein read with the list in the Twelfth Schedule” (Page 49).

“In the result, the applications are allowed. Respondents are restrained from converting the above mentioned two parks to any other use”.

What applies to parks should apply in equal measure to earmarked open spaces too.

- CAG’s report for the year ended 31 March, 2010 – Dept. of MA & UD – Objections regarding VUDA

a) There were huge shortfalls (64 to 100%) in the achievement of the First Master Plan and VUDA did not effectively coordinate with concerned Depts./ Agencies. b) Approvals of change of Land-Use given on a case to case basis confer undue benefits to the land owners, thus violating the Sanctity of the Master Plan”.

(2) FBH letter dt 19-12-2012 to Metropolitan Commissioner, HMDA:-

..... We request you to amend HMDA Act 2008 to delete the provision for piecemeal changes of Land-Use, particularly in respect of Parks, Playgrounds, Recreation Areas, Conservation Areas, Water Bodies etc. We request you to urgently respond.

(3) Extracts from Forum’s letter dt.18.02.2013 to Shri Neerabh Kumar Prasad, Metropolitan Commissioner, HMDA on the subject: Regulatory intervention for open space.

We came across a recent statement made by you in a conference on ‘Climate and Energy in a Complex Transition Process Towards Sustainable Hyderabad’ (vide the Hindu dt 16.2.13) that HMDA is contemplating changes in the Master Plan, to have lung spaces somewhere between 15 and 20 percent in both residential and commercial zones. We welcome any such move but we have doubts about the enforceability of such measure when even the existing regulatory provision for open space is mostly violated; and there is no focus of the monitoring authorities on this aspect when, on rare occasions, they do inspect a construction during and after the construction.

- On the contrary, we observe that even the meagre open space provided in the Master Plan is converted by issue of notification to commercial/ industrial and residential use. The process of examining objections submitted in response to such notification is non-transparent, and the rationale for rejecting a representation is never divulged. In the recent months, we have submitted our objections to conversion of open and conservation space, by several letters; without any response. Further, parks are let out for functions, receptions, exhibitions on commercial basis.
..... **All this despite our quoting AP High Court Judgment Dated 28-01-1997 and The CAG’s Report for the year ended 31 March 2010 – dept. of MA & UD.**

You have taken many new initiatives after taking charge of HMDA. We request you inter alia to:

- Assess the deficit in provision for open space compared to international and our national standards, fix a goal for HMDA area and draw out a plan for reaching that goal and monitoring, annually; and make known the goals set.
- Stop the change of land-uses, on case to case basis, which additionally amounts to violation of “Sanctity of the Master Plan;
- And Impose absolute ban on any reduction in open space and conservation space.

