

(Private Circulation only)

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HERITAGE- BANJARA BHAVAN (KOHISTAN)

News Letter: 17 of July-Aug. 2011 reported about partial demolition of above Heritage building 'Banjara Bhavan' (Devdi Mehdi Nawaz Jung) and representations made by FBH for its restoration. News Letter:18 (Sept.-Oct. '11) also reported about the PIL filed jointly by FBH, ApnaWatan, & INTACH in AP High Court. The Interim Order of the High Court dt. 01.10.2012 was that a 'status quo' be maintained, until the A.P.Govt. passes a reasoned order on the owner's application for delisting. However, the State Govt. (through HMDA) denotified the building from Heritage List by G.O.Ms No.80 dt. 8.3.13. Times of India on 10.3.13 had reported that "within hours of being inexplicably struck off the notified list,The Rock House was ruthlessly bulldozed on Saturday" (9th March).

Forum's objection letter dt. 08.03.2013 was received by HMDA on 8.3.13; Shri O M Debara had earlier filed a Caveat petition through letter dt. 30.10.12. Extracts from Forum's letter dt. 8.3.13 are given below.

"Heritage Building, Devdi Mehdi Nawaz Jung -H No. 8-2-413 - Rd.No.4, Banjara Hills, (admeasuring 3292.25 Sq.mtrs.) Hyderabad – Proposed for Delisting.

Ref.: Interim order of W.P.No. 24591 of 2011, dated 01.10.2012

A Private Party called M/s. Gavva Estates Pvt Ltd. Hyderabad in their petition dated 29.06.11, have claimed that: 1. The building lacks architectural merit. 2. The building is not of regional or local importance. 3. The building is in a dilapidated condition, due to poor maintenance.

All three claims are untenable as grounds for de-notification, as the building has been listed as a Grade I structure implying that it has exceptional heritage value. Negligence to maintain a building intentionally or otherwise and then claiming that it is in a perilous state is evident in itself of the intent by the owner of deliberate neglect with the object of claiming structural instability for grounds of de-notification.

None of those recommending de-listing of the said Grade-1 building are qualified to judge the heritage value of the building and its importance for the city. Had an expert in conservation and restoration been consulted, they would have pointed out that there is no heritage structure built in lime which can be declared beyond restoration.

In respect of the G Block in the Secretariat, the HCC and Heritage experts recommendations were considered by the Govt. of A.P. and demolition plan abandoned in a similar situation..... The Govt. of A.P., through its agencies have themselves restored similar structures including the Moula Ali Kaman, CIB office and the A.P. High Court.. It is surprising to note that instead of initiating steps to protect, conserve and preserve the city's built heritage, the government has been de-notifying listed heritage buildings

..... and is now ready to wipe out a prime Grade -1 Heritage building.

It is requested to keep in mind that the Nobel Laureate, Rabindranath Tagore was so impressed with the beauty of Banjara Bhavan that he had composed a poem lauding its beauty. Loss of such an inspiring heritage asset would be a betrayal of trust imposed in the present generation with regards to safeguarding cultural assets for future generation to cherish."

Banjara Bhavan was then further demolished. The Society to Save Rocks in its News Letter 67 (for April-June '13) has reported the matter. The Hindu printed a half-page article on this 'House of Rocks' on 25-3-13 in Hyderabad METROPLUS page. Forum for Better Hyderabad had strongly protested and urged for restoration/ reconstruction. Text of Forum's letter dt. 11.03.13 to the Metropolitan Commissioner, HMDA is given below. (Same letter was also sent to Commissioner- GHMC and Principal Secretary- MA&UD- Govt. of AP.)

"By the above order (dt. 08-03-2013) issued under the suzerainty powers vested in the State Govt. under regulation 13.3 of the HUDA Zoning Regulations 1981, you, on behalf of the State Government have chosen to de-notify the above grade 1 Heritage building from the list of notified heritage buildings.

2. Apart from being a grade 1 heritage building, the building was the abode of the great poet, Nobel laureate, Rabindranath Tagore. A fitting tribute to him who brought India's literature and culture in the world arena for the first time, when the whole world is still celebrating the 150th anniversary of the great Poet's birth! Can any country think of destroying a relic of Shakespeare, Tolstoy, Charlie Chaplin and the like to play to the interest of a private vested interest?

3. As you are aware, the matter was taken by us to the A.P. High Court. During the hearings, the arguments of the owner of the premises that the building had no heritage value, that the building was in a dilapidated condition, etc., etc., were effectively demolished. Experts from the field of Heritage, appointed by the GOAP, have identified this to be a Heritage structure of grade 1 category; the same body declared it as having continued undiminished heritage value, and found it quite restorable. As our arguments were found insurmountable, you chose to take the route of discretion for de-notification under the aforesaid regulation. **While de-notifying the building you chose not to consider the Heritage angle. All this is malafide and colourable exercise of power.**

4. Your above action was totally abuse of the discretion vested under the above regulation. No doubt, a government has to be always vested with the power to take a final decision. Yet, discretion is governed by certain norms, unwritten though they may be. In the instant case, we suppose such norms should have been some urgent, compelling public interest, a major

threat to public safety, which can brook no delay and the government has to act overruling certain regulations. The Heritage Regulations have provided under the aforesaid regulation, such elbow room for the state government. Yet, you chose to abuse that discretion without any of such circumstances prevailing. As stated during the hearings before the Court, this party has purchased the building knowing fully well that it was a heritage building with its accompanying obligations, and its condition at the time of purchase, but chose to demolish it waiting a while after the purchase, thereby abundantly revealing his mala fide intention of destroying the building right from the beginning. Yet, you chose to back him. **By your action, you have shown unfair favour to a party against the public interest of preserving heritage, and a glorious memoir in the State's history.**

5. We refuse to accept your de-notification and demand resurrect/reconstruct/restoration of the building. **Meanwhile, please defer your de-notification and take all steps to ensure that the owner does not construct on the site of the building.** Please note that you will be held responsible for all consequences if you do not act accordingly. Being a part of the Government which professes from every quarter, (through State Tourism, GHMC, HMDA, and from ministerial levels) the importance of heritage to the distinctive character of the city and to attract domestic and international tourists, you will not play an anti-heritage role."

Another letter dt 20.3.13 was sent by the Forum to the Principal Secy. MA&UD and ACP- Banzara Hills requesting inter alia that no debris be allowed to be removedandthat the cover outside the building be removed so that the building is exposed to public view and that no work can be done surreptitiously.

WATERBODY- Himayatsagar & Osmansagar

(As reported in The Hindu dt. 26.4.13- pg.3 City.) A Division Bench of the High Court comprising acting Chief Justice N.V. Ramana and Justice Vilas Afzulpurkar on Thursday indicated that it would like to constitute a committee for removal of illegal structures and protection of two drinking water lakes in the city. It was made clear that the Court will not allow any dilution of GO Ms. No.111 which has been issued for protecting the two drinking water lakes Himayatsagar, Osmansagar. The Bench was dealing with two separate writ petitions filed by S. Jevananda Reddy and Forum for a Better Hyderabad through Mr. Veda Kumar.

The Bench was informed by the government that a Lake Protection Committee had been formed and a task force had been established, and that it was taking all steps to protect lakes.

The counsel for the petitioners complained that even recently farm houses are encroaching upon the catchment area and the building spree is continuing. A private party which wanted to set up a software park in VattiNagulapalli claimed that a study disclosed that some part of the village is not in the catchment area and hence they may be deleted from the purview of GO Ms. No.111.

This G.O. was issued by the State government in the year 1996 prohibiting polluting activity and huge constructions and any other activity which prevents water flows to the lakes. The petitioners placed scientific studies before the court to show that inflows have reduced due to construction activity. The

status reports filed by the officers disclosed illegal buildings and unauthorised layouts.

The Bench said "enough is enough" and was not satisfied about the formation of committees; it is 'high time we preserve the drinking water source in these hard times.' It adjourned the matter to Monday so that the counsels could suggest names of those who could be in the committee to oversee removal of illegal structures and preservation of the lakes. On Monday, 29th April, the Bench expressed its displeasure at the attitude of the Govt. which did not place the information pertaining to lake protection committee which had several officers from various depts.

WATERBODY-Kudikunta

Kudikunta Sy No. 188 & 189, Kondapur village, Serilingampally Mandal is being filled up with garbage and dumping is taking place. The Forum has written to the Commissioner GHMC on 18.03.2013 requesting that the concerned authorities must take suitable action to protect the water body, without delay. A Division Bench of the High Court on 22.4.13 while dealing with the WP mentioned in the previous item told the Govt. authorities to report about the steps taken to protect this fresh water lake.

URBAN PLANNING - LAND USE - Making changes

Govt. (HMDA) have been issuing Public Notifications, inviting comments, for effecting changes in presently earmarked land use patterns. During Dec.'12, January-Feb. '13, FBH have written to HMDA, Tarnaka, conveying objection to the proposed changes and seeking also to know HMDA's final decision. Since, the P.I.O. in the office of HMDA, Tarnaka did not reply, Forum have written to the Appellate Authority under RTI Act in the office of Metropolitan Commissioner- HMDA, on 11.3.2013, seeking HMDA's final decisions on the proposals and copy of notings made on FBH's letters. Not receiving any reply, FBH have written to The State Chief Information Commissioner on 20.04.2013. The Govt. proposed changes in question are the following:

- a. conversion of land earmarked for conservation zone to manufacturing (Industrial use) zone of Ankireddypally H/ O Keerara(v) and Mandal , R.R.District, to an extent of AC 5-27 Guntas, Vide Govt memo no 13613/11/2011/3 dt 20.10.12. File no.12614/MPI/PLg/HMDA/2010.
- b. Site in SYT no 486(P) & 496 (P) of Goudavelly (V), Medchal (M) of R.R. District to an extent of 4-10 Gts which is presently notified as Conservation Use Zone and Residential use Zone notified in the Master plan of Medchal segment plan for non-municipal area is now proposed to be designated as Industrial use Zone (vide Govt memo No 1608/11/2012-13 dt 20.10.12 – File No 423/ MPI/Plg/HMDA/201
- c. Conversion of the site in T.S. No 2 (Part), 3 (Part) , block – D, Ward no 9, old sy no 403(part) of Shaikpet village and mandal , Jubilee Hills, Hyderabad to an extent of 5058.63 sqmetres, presently earmarked for Open Space use in the notified M.P. of Circle no X (old circle no V) for Municipal area, now proposed as Residential zone for construction of houses – File no 8120/PDI/Plg/HMDA/2011.
- d. Site in Sy.No.42 of Bandlaguda (V),RR Dist. To an extent of Ac.26.2644, presently earmarked for Open Space use zone is proposed as Residential use zone. (videGovt memo 549/ 11/2010-3 dt. 23.9.11 File no. 12472/MP1/Plg/HMDA/2009).

HERITAGE- Charminar**Construction by Police Station within 200 meters of the monument i.e. within its Regulated areas.**

The text of letter dt.25.03.13 (preceded by fax message) written by the Forum is reproduced. Same letter/ copy of the letter was sent to Metropolitan Commissioner- HMDA, Commissioner- GHMC, Commissioner of Police, Collector-Hyderabad, C.I.-Charminar PS. A Press Release on the subject was also issued by the President-FBH.

“We enclose photographs, showing the captioned construction. 2. The construction is within the regulated areas of the Monument and would require permission of the ASI. A statement by your Mr.Kutumbarao , ASI in-charge Charminar, appearing in the NAMASTE TELANGANA of date in city tabloid page 3 that he has no knowledge of construction, indicates that ASI’s permission was not obtained.

3. Even otherwise, we are opposed to any construction within the regulated areas of Charminar, as this would lead to further traffic, pollution, vibration, etc., and endanger the Monument.

4. Accordingly, we demand that you take all steps to immediately stop the construction and remove the construction which has taken place so far.

5. We also note with regret and consternation that although you have a full-fledged set up for protection of the Charminar, the In-charge of the outpost makes a statement he has no knowledge of construction!! The outpost is supposed to watch the site and around, for itself and not expect reports from others. Has he visited the site immediately after being queried about the construction? if not why not? Similar oversight, rather intentionally closing the eyes, led to the dispute about some constructions alongside Charminar recently, which disturbed peace of the city, deprived the locals of earning because of closure of businesses, and considerable cost to the Government exchequer i.e., public money, by deployment of heavy security on the site for several days. **Please establish accountability for the oversight and take steps to prevent recurrence.”**

The Hindu in its issue of April 2, 2013 had reported that the High Court had treated the news story as a writ petition and had issued notices suo-moto. A Division Bench refused to accept the version of the police that they were making repairs and had not violated the law. The Bench expressed deep displeasure and asked the authorities when they would remove the “new structures”. The Hindu on 16.04.13 reported that after examining the affidavit of the Police on 15.04.13, the Division Bench suggested that the police station be shifted to more spacious place which could deal with the challenges properly.

The Times of India on 17-04-2013 (pg.1) reported “Charminar area dug up again under ASI’s nose. Construction Activity Near Monument Goes Unchecked.” Times View printed in pg.2:- With scores of violations of the AMASR Act at the Charminar precincts, the ASI continues to remain a toothless body. **It is high time the custodian of ancient monuments wake up and take swift and strict action against rule violators** in conjunction with other depts. such as GHMC, police and the District Collectorate. This is the only way that further deterioration of the Charminar, the symbol of the city, can be stopped.

GOLCONDA FORT- NAYA QUILA TALAB- Golf Course**1) (As reported in The Times of India, 9th April '13.)**

A Division bench of the High Court comprising acting Chief Justice N V Ramana and Justice Vilas V Afzulpurkar on

Monday(8th April) granted three weeks’ time to the state government, the GHMC and Hyderabad collector to respond to a writ petition complaining of their failure to protect the NayaQilaTalab in the NayaQila area near Golconda Fort.

The bench was dealing with a writ petition filed by Jasveen Jairath, founder convenor of SOUL (Save Our Urban Lakes), which complained that the revenue authorities had not even identified the complete water spread area of the lake and had turned a blind eye to the dumping by the Hyderabad Golf Course

The petitioner complained that the Hyderabad Golf Course was resorting to dumping and reducing the water spread in the Naya Qila Talab through excessive water withdrawals. She also alleged that in response to the RTI applications seeking information on the original extent of the talabs, the respondents had furnished different extents on different occasions, indicating their lack of concern for the preservation of the lake. While at one point, the area stated was 28 acres, later it was shown as 7 acres. They also showed once that there was no lake at all with the said name. She alleged that it was a case of bureaucratic indifference and requested judicial intervention.

2) By a separate letter dt.21-03-13, FBH has also complained in the matter to the SA-ASI-hyderabad, DG-ASI-New Delhi and Director-Monuments- ASI- New Delhi.

Channel cutting on left side of Main entrance of NayaQuila Fort, near farmers’ land near NayaQilatalab.

Ref.Your letter no GC/GOL/2011-12/M/2973 dated 29/30.1.2013.

We have not received any response to our letter dt 6.2.13, the text of which is appended. The latest finding by us is that the change of contour by creating the ramp, constructions,etc, continues which shows no effect of “ASI’s show cause notice” to the HGA, obviously due to no follow up. Meanwhile, the HGA is pumping thousands of litres of water per day from the NayaQilatalab (officially known as Langar House tank in Sy no 34), which has considerably reduced the water level of the Talab, and farmers are being deprived of water to their farm lands for agriculture. Please have the status quo earlier to the illegal works done by the HGA in December 2012, restored. Please confirm that it has been so done.

We are endorsing a copy of this letter, as well as of our earlier letter of 6.2.13, to the Collector & District Magistrate-Hyderabad for suitable action.

HERITAGE- GOLCONDA FORT- Hyd. Golf Assocn.

Copy of FBH letter dt.6-4-13 to the SA- ASI-Hyd.Circle, with copy to MD-APTDC and Collector-Hyderabad, is reproduced below.

Please let us know whether any work for draining out water from the areas around NayaQilaTalab, QSB, and the farmers’ agricultural/grass lands in NQ Fort is being contemplated, and whether such plan(s) if any has / have been approved by you. Please also let us know which is /are the agencies being involved in the work if contemplated. No work of whatsoever nature, except grassing without change of contour can be taken up without your prior approval, your approval again being subject to the Court orders and the provisions of the AM & ASR (Amendment) Act 2010.

2. Any arrangement for draining out the water will involvelaying of pipes, underground or over ground. In the case

of laying underground pipes, it will involve digging for non-agriculture purposes prohibited under 19(1) of the aforesaid Act as well as construction - horizontal-, prohibited under 20.2 (dc) of the Act; in case of 'over the ground' laying of pipes, some encasing on the ground will be required which would involve 'construction' as well as digging for non-agricultural purposes. Further, none of the above can be construed as 'grassing without change of contour', and will therefore be illegal, in terms of the Court order dt 8.6.2010.

3. Any plea that the draining out of the water from the QutbShahiBagh is needed to demarcate and restore the Bagh is specious. Excess water can be drained out if the channels already existing in the QSB site are retrieved and restored. There is no need for any construction for such purpose. Accordingly, this area is not to be interfered with on plea of.....

4. In the approved lay out plan of the golf course, the grass lands of the farmers are covered although these have not been parted with by the farmers and continue in their possession. A major part of the lay out plan of the golf course extends to the QSB which earlier was shown as consisting of 10 acres only, but by a Court order, it was admitted to be near about 28 acres as per your own map, a copy of which was obtained by us under RTI requisition from you. The QSB has not yet been demarcated as ordered by the Court in W.P. 16294/11 and the golf course is to be kept out of the area. Yet, we found golf course flags flying at the end of 10 acres boundary earlier demarcated. This amounts to contempt of court.

5. A plan for the restoration of the QSB must also be made with extreme care. It is one of the rare surviving Persian gardens. It has beautiful water fountains, channels over ground and underneath. There is a mahal and also structures underground which need to be retrieved and preserved. (ASILetter to this effect to be referred to).Till such retrieval and restoration is completed, no disturbance whatsoever must be allowed not merely within but near about the QSB, by the laying of the golf course, and the place must be strictly kept out of bounds of the golf course.

6. The existing water level of the Talab must be maintained. On the contrary, due to regular drawing of water from the Talab by the HGA ostensibly for 'grassing', its level has drastically gone down. In fact, it has become nearly dry. Further, in December 2012, through a breach in the wall along the road, truckloads of mud and debris were placed on the rocky surface of the area which created a pathway cum platform for the use of the golf club. It is suspected, their intention is to create parking and a passage for golfers to land. Further, through this pathway, truckloads of mud and debris can be downloaded into the Talab to fill it up and bring it within the golf course area. With the lax, if any at all, control of the ASI, and in view of the past persistent violations by HGA, such a threat is real. In December 18 to 22, 2012, we wrote to you repeatedly to restore the site. So far no action has been taken by you, nor any follow up of the notice to the HGA which you had referred to in your reply. The position remains the same..... the work amounts to change of contour.

7. We also noticed that the Talab on that site is completely covered with hyacinth. It must be cleared..... the water body of NQT is not at all kept 'well preserved' in quantity or quality, and physical damage is caused to it , in violation of Art 15 of the MOU dt 23.9.2009.

8. Please also take immediate steps to demarcate the FTL of the Talab which has not yet been determined despite repeated reminders. Meanwhile, please desist from doing / permitting any work in the area around the NQT, and the 28 acres of QSB.

HERITAGE- GOLCONDA FORT

The Hindu had published a report on 18-4-13: "Monumental NEGLECT, Have a heart for Golconda, it's crumbling".Based on this report, FBH on 19.04.2013 has strongly taken up with the S.A.-ASI- Hyderabad Circle. Forum's letter inter-alia mentions: "The public of Hyderabad, nay of the entire country, need an explanation from the concerned authorities with details of their failures to perform their statutory obligations to protect the above Monument, which is competing for World Heritage Status." Representations have also been submitted on 19.4.13 to the Commissioner - GHMC, Zonal Commissioner- GHMC, Collector & DM-Hyderabad, Spl. Chief Secy.- YAT&C- GoAP.

The Hindu report: "It stands in desolate majesty. The sturdy walls show cracks. The semi-circular bastions fashioned out of granite blocks are broken. The mighty canons mounted on them lie half buried. That's the vulnerability of the once impregnable Golconda Fort..... The cultural heritage lies in shambles. Obviously none has stood by the pledges taken last year.

As one takes the winding path to Golconda, the place the QutbShahi kings ruled for almost 170 years, one is aghast rather pained at its poor upkeep.The granite crenulated wall encircling the fort tells it all. The story of neglect and decay is etched on its weakening stones. Vegetal growth jutting out from the fortress is common. What stands out are the chinks in the armour so to say. The battlement parapet has vanished at many places on the seven-km long on the outer fortification wall. Either the vagaries of nature have taken the toll or vandals have had a free hand. The fortification wall looks particularly weak at the MotiDarwaza. A heavy canon lies buried at the foot of the masonry wall, probably fallen from its position above. The inscription "SarkarNawab Mir Nizam Ali Khan Bahadur" remains intact.

The immediate surroundings around this gate are full of trash. Four overflowing garbage bins of GHMC along the fort wall complete the picture of neglect. The rubbish is set afire and the smoke rising from it blackens the wall and bastion built of large blocks of masonry. Tell- tale marks of trash burning are all over. Doesn't the ASI officials inspect the place?"I have never seen them come. They ought to keep a guard here to check the damage", says Mohd Afzal, convenor, Heritage Watch. "

13th ANNIVERSARY DAY OF FBH WILL BE CELEBRATED ON 5th JUNE '13 AT ADMINISTRATIVE STAFF COLLEGE OF INDIA, SOMAJIGUDA, HYDERABAD.