

(Private Circulation only)

Compiled by : R.K. Sinha

## HERITAGE- GOLCONDA FORT- HYD. GOLF ASSOCCN

1) The FORUM has been repeatedly pointing out the irregularities & violations by Hyd. Golf Assocn., relating to compliance with laws/ rules for preservation & maintenance of archaeological monuments and environment. In this context the following letter of FBH is self-explanatory. Letter dt.13-06-13 to the Chief Secretary, Govt. of AP, with copy endorsed to SA-ASI- Hyd, Collector & Dist.Magistrate-Hyd, Commissioner-GHMC, Zonal Commissioner- Central Zone-GHMC, DCP- West Zone, MD- APTDC, MD- MWS&SB.:-

**Re: Hyderabad golf club house being used by Govt. officials for official meetings.** We observe that government officials when they visit the Naya Qila for any official purpose often use the Hyderabad club house as a venue for post-visit discussion. Such visits take place to inspect re any allegation of violation of rules or the state of compliance of any court order, by the Hyderabad golf association (HGA). We are of the view that for the sake of good form such meetings should instead be held in a neutral venue, e.g., the Golconda Fort office of the ASI. We request you to enjoin upon all officials who visit the golf club for official purposes accordingly.

## 2) Encroachment in Naya Quila Talab and in Qutub Shahi Bagh by Hyd. Golf Course

Text of Forum's letter dt 4-5-2013 to the Suptdg. Archaeologist- ASI-Hyd., MD- APTDC, Spl. Chief Secy.-YAT&C- GoAP, (with copies endorsed to Collector & District Magistrate- Hyd.,) is given below.

- \* Soon after the Entrance, about few metres toward the east, we saw an entry from the road made by breaching an existing historical wall into the bed area of the Naya Qila Talab( NQT). This place was made into a sloping platform leading direct into the NQT. Underneath, are rough uneven rocks which are carefully covered with morom soil and made into an even slope over which truckloads of soil and sand were dumped commencing 18.12.2012 and continuing beyond 22.12.2012. This slope has reduced the FTL area of the NQT which has not yet been demarcated. In the least, it has changed contour by covering the rough rocks underneath. Further, a buffer zone is needed to be provided to NQT. It is suspected that this site will be used for parking by HGA. If proper vigil is not kept, the passage could be used for downloading truckloads of mud and stones for encroaching the NQT area and filling it up at least partly. Through the intervention of the Hyderabad District Collector, the work of dumping was stopped. On complaint to SA, ASI, the latter said his outpost in charge stopped the work although he called it minor work, and that ASI has issued show cause notice to HGA and asked them to restore the site. We, however, noticed no change in situation. You did not reply to our further letters also.
- \* Further east along the road, a toilet was erected for use by HGA. It had pipes connected to below the soil, thus amounted to construction.

- \* Close to Roshan burj and the Fort wall, on the north-east, two transformers are newly erected, amounting again to construction with no public purpose involved in it, and involving digging for non-agriculture, and not grassing. These transformers are in addition to the one earlier existing, a smaller one, near Hathian ki jhar. The plea taken by HGA was to upgrade this transformer; instead, fraudulently they erected two new ones at this new place and the ASI acquiesced.
- \* Further east, we saw a gate closed and guarded by HGA guards preventing entry of visitors toward the Mustafa Khan mosque by the original passage, and to water fountains of QSB, burges - Roshan burj, mamola burj, Mahani burj, Khairt Khani burj, Nau burj, Nishan burj ( east veering toward south).
- \* Near unique Hathian ki jhar, there are two tees of the golf course on Tad Burj, in use. These were supposed to be removed by HGA, but they remain.

All along the road, we saw huge fencing erected by the golf course. Fencing is construction prohibited by 20.2 ( dc ) of AMASR ( amendment course along & validation) Act 2010; is not grassing permitted by the court; nor agriculture – digging for non-agriculture being prohibited under 19(1) of the Act . It may be recalled that an earlier project of a Bird sanctuary at the NQ Fort, an abode of migratory birds, and gazetted as a public sector project was not permitted because it would involve fencing, digging etc. But the same activity was not objected to by ASI, although the MOU does not mention permission for fencing.

- \* Unrestricted access of visitors in terms of article of MOU is restricted .
- \* Further down east along the road, we saw pumps have been installed to draw out water to water the grasses. And to drain out NQT water. Apparently no permission was obtained nor can it be given.
- \* We found NQT almost gone dry. Contrary to article 15 of the MOU. Drying up the NQT amounts to change of contour. Most of the NQT area which we saw near the entrance gate was filled up with hyacinth. Again violation of art 15 of MOU.
- \* On the east and the west sides of the road is the farmers lands. On the east side is the QSB. Although by order in W.P.No. 16294/11, 18-02-2012, the A.P. High Court directed the ASI to demarcate the area of the Garden which was proved as near 28 acres and not 10 acres, we found no evidence of any effort to demarcate. On the contrary, we found the HGA's flags flying to indicate its borders at the old places beyond 10 acres. A letter under Right to Information Act was also written to you about this flagging by golf course inside QSB area but no reply has been received from you.
- \* No evidence of any restoration efforts / plan by ASI of QSB, so far despite repeated reminders. One of the few surviving Persian gardens in Asia. You are persistently not replying to our letters under RTI Act 2005. Please respond.

### 3) Massive Tree felling at Naya Quila Fort, Hyderabad, early May 2013.

**Forum's letter dt.10-6-2013 to Hon'ble Mr Justice Swatanter Kumar, chairperson, National Green Tribunal, Van Vigyan Bhawan, sector-V, RKPuram, New Delhi-110022, is given below.**

We bring to your notice that a massive tree felling took place at Naya Qila Fort, an integral part of Golconda Fort, a notified national monument, at Hyderabad. The felling was detected on May 13 by the local people and at once reported to the Divisional Forest Officer, Hyderabad & Rangareddy districts. By the count of the Forest department 82 trees were felled. Photographs of the fellings are attached.

Hyderabad golf association ( HGA ), a private body, has been contracted by the Government of Andhra Pradesh ( GOAP ) to lay and manage a golf course under a lease for 50 years at an annual rent of Re 1/ per acre, renewable for another term ; during this period the HGA will enjoy the revenues from it; at the end of the lease period it will hand over the golf course to GOAP. As the fort is a protected monument under custody of Archaeological Survey of India (ASI), an MOU has been entered between the ASI and GOAP represented by the secretary, YAT&C, under which the land continues to belong to GOAP but is leased to HGA for developing the golf course at Naya Qila Fort, and the ASI has permitted it subject to fulfillment of the terms and conditions of the MOU and the Ancient Monuments & Archaeological Sites & Remains (AMASR) Act, 1958, and Rules. 1959 and 1992 and other relevant rules .. The MOU is at Annexure. The golf course project replaces the proposal for a Bird Sanctuary project; the latter was a notified public purpose project, while the golf course is not.

#### 2. Accountability for felling of the trees at Naya Qila:

##### A. Hyderabad Golf Association: ( HGA )

The land is leased to the HGA. The site of the fellings is within the lay out plan of the golf course. HGA has guards 24 hours and 7 days a week so that the felling could not have escaped their notice. Photograph of the location of site in the golf course lay out plan is attached..

This is the fourth incident of felling of trees in Naya qila by HGA without authorization; earlier on 18.4.2010, 20.7.2010, 24.1.2013 the HGA felled trees illegally under the guise of development of golf ground area and paid penalty of Rs. 2532/-, Rs 2110, Rs.75000 imposed by the Forest department vide POR No 3-24/09-10, POR No 19-24/09/10 and POR No 40-06/08-09 respectively. Shri Mohd Burahan, Dy manager of golf club had given written statement dt 24.01.2013 about the illegal felling of trees by their contractor in the said golf ground area as token of acceptance of offence and requested to drop the case by imposing minimum penalty.

In respect of the last fellings, HGA has taken a plea that they had offered to the ASI to clear the ramparts and the fort walls of the monuments of overgrowth area, and vegetation, and ASI had acquiesced – HGA letter to DFO at Annexure D. Photos of the Forest department, however, show that many trees were also felled on the same site. Further, the location of the trees cut show that there can be no adverse impact of these trees on any of the fort structures. HGA cannot deny responsibility if their contract labour overstepped the area.

The DFO is the only authority which can permit the felling of trees under AP WALTA 2002 – no other authority including the ASI can so authorize. Of this HGA was fully aware, as on three earlier occasions they were penalised by the

forest department for felling trees. Accordingly, the plea by HGA of having obtained the acquiescence of ASI in support of the felling is not acceptable.

Even government / public sector bodies, and where urgent public purpose is involved are required to, and they do, apply for prior sanction to the Forest department for any felling. The golf course is not even a public purpose project. Yet, HGA chose not to apply for permission, even though on three earlier occasions they were penalized by Forest department. The action of the HGA is a willful violation of the law.

##### B. Archaeological Survey of India ( ASI ) :

ASI is the custodian of the protected and prohibited areas of the Naya qila Fort. It is their responsibility to ensure that nothing happens in these areas contrary to the laws, and the MOU. ASI has an outpost for Golconda Fort under which Naya Qila fort is covered, with a conservation assistant and his staff. ASI has grossly failed in supervision; nor have they initiated any action – not even any enquiry – in respect of the incident, to fix accountability. Also, ASI has not responded to any communication from DFO, Hyderabad on the subject. The communication from DFO, Hyderabad is annexed.

##### C. Youth advancement & tourism and culture (YAT &C) deptt.

is the lessor of the land leased to HGA, and is responsible in terms of Article 4 of the MOU to ensure due compliance by HGA. They have clearly failed in this regard. Nor have they initiated any action to fix accountability of themselves or of the HGA. As of now, the offices of the Chairman, APTDC, and of the M.D. APTDC are held by the special chief secretary, YAT&C, GOAP. DFO, Hyderabad did not, however, seek any advice from YAT & C / APTDC.

3. The Collector & District Magistrate, Hyderabad has been written to by the DFO, Hyderabad, on 13.5.2013. In this letter, the DFO has apprised the District Collector that he ( DFO ) cannot book any criminal action against the defaulter under WALTA, and requested the District Collector to advise ASI and APTDC to take further action against the user agency for commission of irregularities as per their agreement conditions. The letter is annexed. No response has been received by the DFO, Hyderabad.

4. Our various letters to the SA- ASI, Special chief secretary- YAT&C, as well as the MD- APTDC, and the Collector & District Magistrate- Hyderabad have not elicited any reply. Our letters are Annexed.

5. Action taken by DFO: The DFO, Hyderabad, by letter dt 13.5.13 has imposed a penalty of Rs. 246000/- on HGA for the illegal felling . He has also levied an identical penalty on ASI, Hyderabad by letter dt 21.5.13, The penalty amount **has not been paid**. Neither the HGA nor the ASI has yet responded to the notice to pay penalty.

6. We have made very clear what we want to be done in regard to the incident of felling in our afore-referred letters, vide Annexure. Please also see our letter to the State Chief Secretary at Annexure1. These are as follows:

- \* HGA to be made accountable immediately, for the reasons recorded under paragraph 2 A - Accountability - HGA .
- \* Appropriate, deterrent, punishment for repeat violation – this being the 4<sup>th</sup> time, earlier ones dt 18.4, 20.7.10 & 24.1.13 - under WALTA, and other applicable laws should be meted to HGA. The offence is compounded by breach of their written undertaking not to fell without authorization. Compared even to the earlier quantum of penalty of Rs. 75000/- for 15 trees felled, the penalty of Rs. 246000/- levied on HGA for

82 trees felled seems disproportionately low, and should be enhanced appropriately.

- \* The accountability of ASI, and other government authorities would not detract from the accountability of HGA. Even so, these should also be investigated.
- \* Meanwhile, to rectify the damage done, the stubs remaining of the felled trees should be nurtured to grow; where the stubs too have been removed or died, fresh plantations on same location be made, **irrespective of who owns/ is lessee or lessor of the land; and cost recovered from HGA.** Plantation should, however, be made in a manner as would not affect the integrity of the fort structures around and of the site; and as are permissible under art 19(1) of AM & ASR Act, i.e., digging "for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface." For this purpose, the species of trees as are appropriate will be chosen by the Forest department and the plantation will be cleared by the ASI. There should be no problem in this regard as the location of the trees cut are much away from any of the fort structures, the ASI had not raised any objection to such trees, and in the instant case too, deny having authorized the HGA to remove the trees.
- \* Additionally, compensatory plantation as provided under AP WALTA 2002, and as would be determined by the district tree committee meeting under the relative G.O. of A.P. state government will be made in a site as near as possible, at the cost of the HGA.
- \* If trees are a bar to the development of the golf course, the site should be de-allocated from HGA.

7. We suspect the various authorities are trying to diffuse the responsibility for the illegal action of the felling, to bide time to close the matter after the public indignation over the matter dies down. Considering the gravity of the offence, the strong links of the offenders, the casualness of the ASI, and some state government officials, we are writing to you to intervene and pass suitable orders.

**(B) Forum's letter dt.17-6-2013 to the Principal Chief Conservator of Forests, GoAP, is given below.**

Further to our letter of 10.6.2013, we have since received a reply dated 10.6.13 from ASI, which is attached. In this letter, ASI Hyderabad states having permitted the HGA to clear "the bushes and shrubs nearby fort wall", and that it "is in no way concerned with the felling of trees and the work was carried on by HGA". In view thereof, we consider forest department should pin the primary responsibility on HGA, as follows:

\* HGA: Vide letter dt 15.5.13 to DFO, **HGA maintains that only bushes and overgrowth** had been removed, after ASI had acquiesced to HGA's offer to clear the ramparts and the fort walls of the monuments of overgrowth and vegetation, under supervision of ASI staff. In support of the statement, HGA has produced some photos showing an ASI official watching the work. These photos show the removal of only bushes; not of any tree; and do not establish the role of ASI in authorizing the felling of trees. Photos taken by locals and during the visit of forest department officials show that not bushes only but many trees were also felled on the same site, which fact has been concealed by HGA. Further, the location of the trees away from the ramparts and the fort walls should leave no scope for mistake by HGA that these trees interfered with the monuments in any manner. HGA cannot deny responsibility if their contract labour overstepped the area. HGA has guards 24 hours and 7 days a week so that the felling could not have escaped their notice.

\* HGA asserts that none of the overgrowth area forms part of the golf course nor is part of the development work of the golf course. However, as per the approved lay out plan of the golf course, vide Annexure B, the site falls within the area for development for golf course. Even otherwise, the land is leased to the HGA. As lessee HGA cannot escape responsibility. If the incident(s) took place without their approval, they should have reported it to forest department / police; which they did not.

\* The DFO is the only authority which can permit the felling of trees under AP WALTA 2002 – no other authority including the ASI can so authorize. HGA should have been informed of this, by virtue of having been fined on earlier occasions by the forest department; and for their undertaking given on the third occasion not to further violate. Accordingly, the plea by HGA of having obtained the acquiescence of ASI as authorization of the felling is not acceptable.

\* We have made very clear in our earlier letters what we want to be done in regard to the incident of felling in our letters. These are as follows:

\* HGA to be made accountable immediately.

\* Appropriate, deterrent, punishment for repeat violation – this being the 4<sup>th</sup> time, earlier ones dt 18.4, 20.7.10 & 24.1.13 - under WALTA, and other applicable laws should be meted to HGA. The offence is compounded by breach of their written undertaking not to fell without authorization. And further, by their mis-representation of facts to the forest department and wasting government time. Compared even to the earlier quantum of penalty of Rs. 75000/- for 15 trees felled, the penalty of Rs. 246000/- levied on HGA for 82 trees felled seems disproportionately low, and should be enhanced appropriately.

\* A police complaint should be filed by the Forest department against the illegal felling, and the removal of the wood where it has been removed.

\* Meanwhile, to rectify the damage done, the stubs remaining of the felled trees should be nurtured to grow; where the stubs too have been removed or died, fresh plantations on same location be made, **irrespective of who owns/ is lessee or lessor of the land; and cost recovered from HGA.** Plantation should, however, be made in a manner as would not affect the integrity of the fort structures around and of the site; and as are permissible under art 19(1) of AM & ASR Act, i.e., digging "for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface." For this purpose, the species of trees as are appropriate will be chosen by the Forest department and the plantation will be cleared by the ASI. There should be no problem in this regard as the location of the trees cut are much away from any of the fort structures, the ASI had not raised any objection to such trees, and in the instant case too, disclaim any authorization or even knowledge that trees have been felled.

\* Additionally, compensatory plantation as provided under AP WALTA 2002, and as would be determined by the district tree committee meeting under the relative G.O. Rt No, 539 of 11.12.09 of A.P. state government, will be made on the same site where the trees were felled subject to clearance of the ASI from the point of protection of the monument structures OR in a site as near as possible, at the cost of the HGA.

\* If trees are a bar to the development of the golf course, the site should be de-allocated from HGA.

\* We suspect the various authorities are trying to diffuse the responsibility for the illegal action of the felling, to bide time to close the matter after the public

indignation over the matter dies down. So far the HGA has refused to pay the penalty imposed by forest department. On such refusal when forest department called upon ASI to pay, they too refused. Therefore, we request you to personally intervene to settle the matter as desired by us in paragraph 3 of this letter.

(C) Forum had earlier ie. 14-5-13 represented to all concerned Govt. departments and on 16-5-13 to Shri Vatti Vasanth Kumar, Minister for Culture & Tourism, and on 20-5-13 to the Chief Secretary- GoAP, in the matter.

**FORUM'S 13<sup>th</sup> FORMATION DAY**

As usual, **FORUM** celebrated its 13<sup>th</sup> Formation day on 5<sup>th</sup> June 2013, coinciding with World Environmental Day, at Administrative Staff College of India (ASCI), Raj Bhavan Road. **Dr.R.Hampaiah**, Chairman, A.P.Biodiversity Board released the Annual Number of the Forum on the occasion. **Dr.RamaS.Melkote**, President, Caring Citizens Collective, **Sri.Sajjad Shahid**, Secretary- Centre for Deccan Studies & Co-convenor of INTACH Hyderabad Chapter, and **Prof. Sheela Prasad**, Centre for Regional studies, School of Social science, University of Hyderabad, were the Guests of Honour. The programme was presided over by **Sri.M.Vedakumar**, President, Forum For A Better Hyderabad.

Speaking on the occasion, Sri.R.Hampaiah emphasized that the disaster projects taken up in the name of development can be contained under Bio-diversity Act. He praised the efforts of Forum to protect the environment. It can seek the help of Bio-diversity act when it is necessary. There is ample proof of this Act's efficacy that recently the populace of Ananthapur district succeeded in the case concerning allocation of 15,000 acres of land to Leepakshi Knowledge Park. Similarly, at Sompeta on construction thermal power project, local populace formed committees and fought by using biodiversity act and succeeded in their efforts. It was a matter of regret that we were able to show only some selected places and water bodies to the foreign delegates of COP- 11.

FBH President Sri.M.Vedakumar narrated that to co-ordinate various issues of the city, social activists of different NGOs joined hands together to establish Forum For A Better Hyderabad. He explained that the Forum will bring the issues to the notice of the officers of concerned departments. On non-response the Forum will approach the media to enlighten the need to solve

the issues. As a final resort the Forum will approach the court, after all the above efforts failed. The Forum even approached Supreme Court in certain issues. Eminent people with experience and expertise in various fields are members of the Forum. Even before establishment of the Forum they were involved in various social activities. He advised to prefer small and clay Ganesha idols to be worshipped, to avoid water contamination by use of big size Ganesha idols with harmful colours and steel material and emphasized for immersion at their respective localities. Forum is putting efforts to bring awareness amongst the people. It is a matter of regret that even a single heritage building or heritage site of this city has not been recognized as world heritage precinct/ site. He also said that the rules and regulations meant for protection of heritage buildings have been violated over the years. There are more than 225 heritage buildings to be notified, but only 137 have been enlisted. He also insisted for correction of certain shortfalls in the city's master plan.

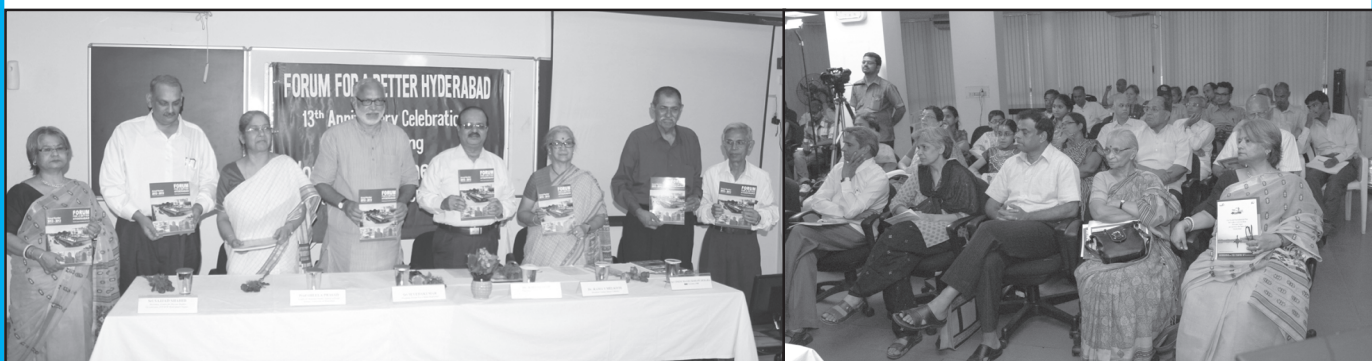
Sri O.M.Debara, General Secretary of the Forum presented the annual report by mentioning the various issues pursued with the concerned Govt. departments.

Dr.Rama S.Melkote said that every citizen has right to live with respect; this was supported by the Supreme Court on several occasions.

Sri Sajjad Shahid said that our identity is our heritage; hence it has to be preserved. He questioned why assembly building is not been declared as a heritage building. He asserted that new development works should not be taken up in Public Gardens. The Managing Director of Metro Rail on several occasions mentioned that upon completion of Metro rail the pollution will be reduced upto 35%. Sri Sajjad insisted that MD, Metro Rail should show evidence in this regard.

Prof.Sheela Prasad insisted on need for protecting the environment, and not only Hyderabad's historical heritage. It is a wrong notion that Environment and Development will not go in hand in glove; even in many small countries, adequate importance is given to environment simultaneously with development projects. She quoted example of Puritoba in Brazil. She also advised that consumption of local food, fruits and vegetables to be increased.

The programme came to an end with vote of thanks proposed by Dr.M.Mandal, Member of the Forum.



*Release of Annual Number*

*Audience at the function*

**(A few more photographs taken on the occasion will be printed in the next Newsletter no.29.)**

\*\*\*

Printed and Published by K. Prabhakar, Co-ordinator, Forum For A Better Hyderabad,  
Assistance in compilation : Ms. K. Shyamala

CHANDRAM, 3-6-712/2, Street No. 11, Himayathnagar, Hyderabad-500 029.

Tel.No. 9030626288 ; Fax: 0-40-27635644, E-mail: betterhyd@yahoo.co.in Website: www.hyderabadgreens.org