

## HERITAGE- GOLCONDA FORT- GOLF COURSE

1. Hyderabad Golf Assocn. have been consistently violating provisions of AM&ASR Act, MoU dt 23.9.09, and even AP High Court's order. ASI Hyderabad, supposed to be the protector of the monument, has not been taking steps to stop such flagrant violations. Sometimes, ASI's narrative of the situation is at variance with the facts as stated by us to them, and no response is received from them when we present our facts with documents, such as depth of digging, etc. Senior members of the Forum had a meeting with the Suptdg. Archaeologist, ASI on 11.7.2011. This was followed by a letter dt 14.7.2011.
2. Copy of Forum's letter dt 14.7.11 to the Director General, ASI, New Delhi on the subject of violations by Hyderabad Golf Assocn is reproduced. "We have to bring to your notice the following violations further committed by the HGA.
  1. On 29.6.2011, Digging with the use of JCB machine and tractor, to fix poles, heavy and about 40' to 50' high, in Jamalikunta area, between the golf club house and the Moat wall, within the prohibited area of the Golconda Fort, thereby violating provisions of AM & ASR Act 1958 and Amendment of AM & ASR Act 2010. On our reporting to ASI, Hyderabad, it was stopped late in the afternoon. It was resumed again on 5.7.11, and on our personal call on ASI, Hyderabad, it was stopped. By that time several poles were already fixed. We enclose a few photographs of the work done. The matter has been taken up with ASI, Hyderabad, vide our letters nos FBH/Heritage/7/2011/223 dt 1.7.2011, and 5.7.2011.
  2. Around 15.3.11, channel-cutting inside Naya Qila area by HGA to lay pipes. A news item appeared in the Hindu on 16.3.11. We complained to the ASI, Hyderabad on 16.3.11, and the work was stopped, after laying the pipes. This violates the Court order as it is not grassing; it violates the AM & ASR Act, particularly sec. 19 thereof, as the digging was not

for cultivation and was much deeper than 1 foot from the surface. The matter was taken up with ASI, Hyderabad. As ASI Hyderabad stated that the digging, although not sanctioned by them, was within law, we have furnished them with subsequent clarifications on the digging, showing how the digging was beyond permissible depth and permitted purposes, and thus clearly illegal (reference our letter no FBH/ Heritage /6/2011/221 dated 28.6.2011 under RTI.) We are awaiting a response from ASI, Hyderabad.

3. Filling up part of the Moat, greening it; encroachment on a part of the Moat wall, greening it and laying tees thereat, halfway between Tawakkul burj and Ibrahim burj, near Banjara Darwaza. The moat after the Fort Wall was filled up with garbage, and grassed, and brought on a level with the Moat wall; and two tees were laid thereon. Tee(s) was also laid on parts of the Moat, after filling. This is an encroachment on the Moat and the Moat wall which are an integral part of the Golconda Fort Monument itself, not merely a violation in its prohibited area. Also, this amounted to contour change and altering and destroying ancient Monument. This action constitutes a serious violation of the AM & ASR Act. Such act was done by the HGA in the past also, recurrently, and the ASI, Hyderabad had even lodged a complaint dated 8.9.2008 to the Golconda police against HGA for unauthorized filling up of moat, on basis of which the police registered a case in Cr. No. 364/08 U/S 447 I.P.C. No action has been taken by the HGA to rectify the position. The matter has again been brought to the notice of ASI, Hyderabad. Photographs are enclosed.

We have asked ASI, Hyderabad, by letters and by personal meetings on 1.7, 5.7 and 11.7.2011 to take action on the following lines:

1. Effective steps to stop any future violation by the HGA.

2. Removal of the poles from the protected areas of the Monument. Providing support for fencing should not be accepted as a defence, as such digging is not permissible under the Act.
3. Restoration of the moat and the moat wall to their original condition - such work to be done by ASI only but necessary cost with penalty be recovered from HGA.
4. Penal action under AM & ASR Act and CPC against the HGA for violating recurrently the AM & ASR Act and the A.P. High Court's order, as stated above.

We have also taken up the matter with the Secretary, YAT & C, GoAP, MD-APTDCL, the Hyderabad District Collector, and the Director, A.P. State Archaeology & Museums who has been designated for enforcing the AM & ASR Act 2010, with identical demands.

As protection of the Monument is our common concern, we request you to intervene to strengthen the hands of your Superintending Archaeologist and extend to him such support and guidance as you deem necessary."

3. Extracts from Forum's letter dt 1.8.11 to the SA-ASI-Hyderabad on the subject "Digging within prohibited area of Golconda Fort for planting poles on 29.6.11- Use of heavy JCB machines and tractors":- "We refer to the telephone conversation of our Dr. M.Mandal with the S.A., ASI, Hyderabad, followed by a fax message, on 29.6.11.....The action of the HGA as narrated above constitutes serious violation of AM& ASR Act 1958, article 19. ....We urge you to:

- have the work done by the HGA, viz., planting of poles, removed.
- Take deterrent penal action against the HGA for such unauthorized act, under the AM & ASR Act 1958, and file a diary with the police for prosecution.
- Take effective preventive action to ensure that such violations do not recur.

We are apprehensive that unless the aforesaid actions are taken, HGA may resume such violations, as is their custom. It may be recalled that in the past also, several times the HGA had committed similar offences. Reference is invited to our letter dt 3.2.10 to you, and your FIR dated 8.9.2008, crime no 364/08 under section 447 of IPC.....".

4. Hyderabad Golf Assocn. has again taken up construction of wall at Jamalikunta within prohibited area of Golconda Fort. Copy of Forum's letter dt. 16.8.2011 to the Collector& District Magistrate-Hyderabad/ MD- APTDC/ Secy. YAT&C Govt of AP is reproduced.

"We observed on 10.8.11 that a fencing wall of granite stone and bricks was being constructed at Jamalikunta area adjacent to the Moat wall, and very much within the prohibited area of Golconda Fort. [As per gazette notification dated 16.6.1992, the area up to 100 metres is the prohibited area of the Golconda Fort].

Apparently, this construction was in replacement of an existing wall built by the HGA which was dilapidated and broken in parts. Even the earlier construction was illegal, in violation of 19 (1) of AM & ASR Act 1958, as we had pointed out in the past. The current construction apparently in replacement of the earlier walls, is gross violation of the Amendment & Validation 2010 which will govern this action. Section 20B thereof totally prohibits any construction within the prohibited area except by an ASI officer, and by others only for public purposes to be notified in a gazette and approved by an Experts' Committee.

The matter was brought to the notice of the Conservation Assistant, at Golconda Fort by phone. He deputed one Shri Veeraiah to the site, but the work continued. No further action was taken by ASI.

We have taken up the matter appropriately with the SA, ASI, Hyderabad. A copy of our letter to him is enclosed. We request you, additionally as a member of the 3-member committee to enforce observance of the MOU and the AM & ASR Acts, to take immediate action under the law to stop further work; have the walls removed without delay; and take action against the delinquents under the AM & ASR Act 1958 and 2010, and under CrPc. "

#### HERITAGE- Asman Mahal (Lakdi ka pul)

Forum's letters dt.16.6.2011 to GHMC (Head Office& Central Zone) under RTI Act remain unanswered. Meanwhile, HMDA have informed that GHMC have been advised of the decision of Heritage Conservation Committee re. GHMC's proposal to construct G+4 upper floors. HCC have observed that the excavation part adjacent to AsmanMahal Heritage Bldg. is not filled up till today, and suggested 9-mts setback shall be followed, and revised plans to be submitted.

Extracts from Forum's letter dt. 22.8.11 to GHMC: -  
 "Please let us know what action has been taken / proposed to be taken by you in this regard. Further, please let us know what action was taken by you to protect the captioned heritage building from partial demolition, and what action you propose to take now, as the conservation, maintenance and development of heritage buildings within GHMC area is the responsibility of GHMC in terms of G.O. Ms. No 263 dated 14.5.2003."

### HERITAGE- "Kohistan"

Heritage Bldg. Gr.I Devdi Mehdi Nawaj Jung (named by Rabindranath Tagore as Kohistan.) Forum's letter no.256 dt.27.8.11 to the DM & Collector, Hyderabad District is reproduced.

"We regret to advise you that the current owners of the above building, where Nobel laureate Rabindranath Tagore lived for some time, and wrote a poem in its memory named Kohistan, and commented that if he did not have "Shantiniketan" to look after, he would have settled down here, chose to demolish the building, taking the plea of rainfall. The building was substantially demolished on 15.8.11, but part of it still remains, and we are moving the HMDA, GHMC, Heritage Conservation Committee to undertake its restoration.

No authorization was obtained by the owners under either clause 2 or 3 of Regulation 13 of the HUDA Zoning Regulations 1981. Nor any reference in regard to the building was under consideration of the Heritage Conservation Committee. The demolition of the building done so far is thus totally illegal. This was done in a year when India, nay the whole world, is celebrating the birth centenary of the great Poet.

We took up the matter immediately on 16.8.11 with Commissioners - HMDA, GHMC, & HCC. It was understood that Zonal Commissioner GHMC, Khairatabad has filed a police complaint. We have also written to Hyderabad Police Commissioner, suitably. We demand immediate stoppage of all further demolition, not giving any permission for any construction in the place of the building; and arrange for its restoration.

You are requested to kindly issue a written order to the owners of the building to stop any further demolition on the building and take suitable steps for compliance of the order. We request you also to take deterrent and exemplary punishment against the owners and others responsible.."

The Zonal Commissioner was approached, who informed us that a police complaint was filed.

A similar representation was also sent on 27.8.11 to Shri Jayesh Ranjan, Secy. YAT&C, Govt of AP.

(Subsequently, on a Public Interest Litigation filed by the Forum jointly with INTACH & Apna Watan, the AP High Court has stayed further demolition of Banjara Bhawan -ie Devdi Mehdi Nawaj Jung premises- and has directed GHMC & HMDA to file a report.)

### HERITAGE- Moghulpura Tombs

In reply to Forum's letter dt.25.6.11, Prof. P.Chenna Reddy has advised that the captioned bldg. is not a Notified monument under protection of State Archaeology & Museums Deptt., but is a listed Heritage bldg. of HMDA. Chairman ,HCC in HMDA has been informed by the Forum. Since no response was received from GHMC/ HMDA, Forum have again written to Commissioner GHMC on 26.8.11 to "kindly take immediate action to remove the encroachment and protect the heritage building, as protection of heritage buildings within GHMC area is the responsibility of GHMC, in terms of GO No. Ms 263 dt. 14.5.2003." Commissioner of HMDA and its Chief Planning Officer have again been requested on 26.8.11 to find out any lacunae in the inspection system that could lead to such an oversight and/ or in the machinery to enforce the regulations and/ or human failure, and to make necessary investigations and take remedial action.

### HERITAGE- Badshahi Asoorkhana

Forum's letter no.240 dt 29.7.11 to the Director, AP State Archaeology & Museums, Hyderabad is reproduced. INTACH Hyderabad Chapter has also been requested to take up the matter.

"We are shocked by the report appearing in the Hindu and the Times of India of 27.7.11 that now another portion of the Badshahi Asoorkhana, namely, the soaked up roof and wall of the rundown 'Niyaz Khana' has collapsed. In November last, roof of a small Asoorkhana also fell and before it the Naqar Khana. We had also written to you earlier on 7.4.2010, referring to a report in the Hindu dated 31.3.10.

Apparently, no action has been taken by you to restore the monument as per the AP High Court order dt 20.8.09. The ground stated by you for not taking any action to restore, as stated in the Hindu namely, " the department wants to take up restoration only after the

tin sheds on the guard room and chabutra are cleared “ seems unjustified and irresponsible.

We would be interested to know (a) what has prevented you from taking up restoration work so long despite repeated incidents, (b) what is your plan for taking up restoration work, and (c) how you propose to protect the monument in the meantime; and (d) how you have so far complied with AP High Court order dt 20.8.09. Please advise us urgently.”

### **HERITAGE PRECINCTS- Construction of road in Allabanda Hill**

Text of Forum’s letter no.226 dt. 7.7.2011 to Shri M. Jagadeshwar, IAS, MD- HMWS&SB is reproduced. “We refer to letter dated 5.7.11 to you by the Secretary-Society to Save Rocks ( copy appended). We also refer to Deccan Chronicle report dt 3.7.11 that the work is on to the detriment of a rock precinct. We join the Society to Save Rocks in urging upon you to immediately stop the work pending a decision by the HMDA and the Heritage Conservation Committee. We also request you to issue a suitable circular enjoining upon your officials to abide strictly by Regulation 13(1) of erstwhile HUDA (now HMDA) made under sub-section (1) of section 59 of A.P. Urban Areas ( Development) Act, 1975 ( Act 1 of 1975). This is binding on all government departments and no government departmental authority internally can authorize any action in violation of the Regulation.”

### **HERITAGE- Old Chanchalguda Central Jail**

Forum has been informed by Mr Amjed Ullah Khan, Corporator Azampura Divn. that the old jail bldg. is being demolished to expand the existing jail, by AP Police Housing Corpn. Forum have taken up with the Commissioners HMDA and GHMC on 7.7.11 as follows. “ Kindly take immediate action to prevent the demolition of the jail for new construction, as no permission for demolition or construction has been obtained from HMDA/HCC in terms of the heritage regulations; and no permission for demolition or construction has been obtained from GHMC, as required under building regulations. It is not enough and appropriate for HMDA to advise Mr. Amjed Ullah Khan that if demolition takes place, action will be taken. The heritage building will be gone then. Any penal action will be inadequate unless the building is restored, which

is not an easy proposition. So, we insist action must be taken now to stop its demolition.”

### **ENVIRONMENT- KBR National Park, Jubilee Hills, Hyderabad**

The Forum have joined Capt. Rama Rao, an well known environmentalist, in opposing the mega Realty project abutting KBR National Park, and have requested the Secy. MoE&F- Gol on 6.8.11 to stop the project, with copies to all concerned in State Govt. and GHMC/ HMDA.

### **ENVIRONMENT- TREES- Metro Rail**

Forum have written to the MD, HMRP on 25.8.11 seeking information on the number and nature of trees that will have to be uprooted/ cut and requesting him to apply to the DFO/ District level Tree Committee sufficiently in advance for approval of the proposed course of action re: relocation/ compensatory plantation/ etc.

### **ENVIRONMENT- Felling of Trees on Tank Bund Road**

Times of India had reported on 24.7.11 the felling of several trees by GHMC with approval of DFO. FORUM’s senior member Dr. M.Mandal had then spoken to the DFO and met GHMC Commissioner to voice our protest. Extracts from Forum’s letter dt 29.7.11 to the DFO:- “Please also take urgent action to have compensatory plantation @ 3:1 for the trees removed of an appropriate variety, and in proximity to the site , as per the GO RT No. 539 dated 11.12.2008. Please submit a report in the matter at the next District Tree Committee meeting, for consideration.

In this connexion, it is necessary to think of some arrangements for taking decision in emergency situations, such as, where the trees are already uprooted and block traffic, and / or, where, they are in a precarious state and have chance of being uprooted by heavy rain and cause danger to life and property. In such situations, it may not be possible to obtain prior approval from the tree committee. And probably, the DFO or a higher authority, or an official authorized to act for the DFO when he is away, may give such decision, recording the full circumstances and facts of the case, and submit a report to the next Tree Committee meeting. Please submit a proposal in the matter to the next Tree Committee meeting. At the next Tree Committee meeting, a representative from the GHMC may be invited.”