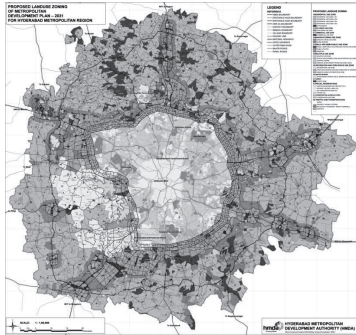


FORUM FOR A BETTER HYDERABAD

URBAN PLANNING- LAND USE

Irregularities in Conversion

FORUM has been protesting against changes in land use, from Open Space/ Conservation zone to Residential or Commercial or Industrial use zone, without obtaining public opinions by notification as prescribed. The AP HighCourt judgement dt. 28-01-1997 in WP



No.25835/96 & 36/97 and one report of the CAG strongly opine against conversion of open space and change of land use on case to case basis violating the sanctity of Master Plan. Recent letters dt.24-01-14 of FBH to HMDA Tarnaka , after not getting appropriate replies to Forum's letters under Right to Information Act, refer to following cases:

(i) Sy nos. 486 & 495 of Gondavelly, (ii) Site in Survey no.794 of Ankireddypally, H/O Kesara (V)- RR Dist. (iii) Sy no. 42 of Bandlaguda (V), RR Dist.

GOLCONDA FORT- NAYA QUILA

VIOLATIONS BY HYDERABAD GOLF COURSE

(1) Text of Forum's letter dt. 23-01-2014 to the Collector & Magistrate- Hyderabad, with copy forwarded to SA- ASI and Spl. Chief Secy. YAT&C Govt. of AP, is given below. (Sub: Recent violations in Naya Quila Fort).

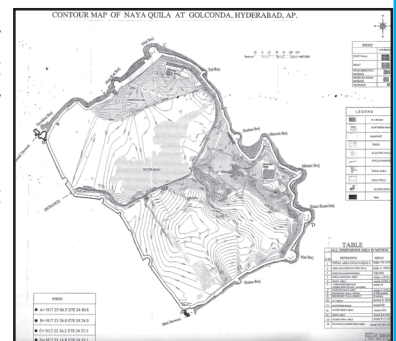
1. From 29.10.13 onwards - Erecting fences on sides of the public road running from south to north in the Naya Qila Fort – more or less along the grasslands of the farmers. Violates: a) the Hon'ble A.P. High court order dt 8.6.2010 permitting only grassing without change of contour, whereas fencing is not grassing. Further, b) it violates Art 19(1) of AM & ASR Act permitting digging only for cultivation and fencing which necessitates digging is not cultivation; and c) violates the prohibition under Art 2 (dc) of the AMASR (Amendment & Validation) Act 2010 on construction within protected areas of the monument, whereas fencing by insertion of a foreign object into the soil amounts to construction - vertical; it also violates Art 6 of the MOU which says that GOAP will ensure that no new structure comes up ... within 100 metres from the rampart walls both within and outside the Naya Qila,

and fencing does constitute a new structure in that it is embedded into the ground in the nature of a fixture.

Further, police protection was given for the work under a letter from the MRO to the police, for protecting the takeover of farmers' grasslands for handing over to the Hyderabad golf course and under such exercise, illegal fencing of the area was done under police protection. So, your department is directly responsible for facilitating the fencing, and the police was used for an illegal work.

2. From 13.11.13 – still continuing – closure of the public entrance to NQ Fort, and posting of police guards at the entrance to prevent the public from entering. As per MOU, art 2, the security at the main entry point of the NQ area would be provided by the ASI. We have reports that the keys of the locked gates are in fact kept with the golf course guards. This violates clause 2 of MOU dt 23.9.2010 which says "GOAP shall ensure that public access to the monuments within NQ including the mosque viz., Mulla Khayali and Mustafa Khan mosques will continue through all passages including the main entrance. While general public access to the golf course area is not permitted. Shall be ensured by the HGA that none of the members of public is prohibited from entering the Naya Qila and its monuments." Please note that access is thus to be provided to all members of the public and not merely to tourists. Your statement, as reported in the Hindu dt 18.11.2013 that nobody would be denied entry into NQ is not true on the ground. Please, therefore, now issue appropriate written instructions reiterating the art. 2 of the MOU, and we shall watch the outcome.

3. Truckloads of mud were carried into NQ, destination unknown as no access was allowed to the public: but wherever these would be dumped, contour will get changed violating the afore-mentioned HC order 8.6.10. We suspect that the entrance(s) to NQ were closed with a view to allow such dumping and other illegal works without any protest by heritage activists. We want an immediate right to inspect whether any illegal activity has taken place in NQ.



4. We had written earlier several letters to you, general as well as under Right to Information, but regret that no reply was received.
5. Reverting to item 2 above, we have reports that discrimination is being exercised in allowing access to NQ; that while persons connected with the golf club in addition to government officials, are being allowed unrestricted access, the members of the public are denied entry. The reasons if any, for such differentiation, and how these are substantiated, in respect of those prevented from entry, must be notified and established. These have not been done. On a more fundamental and serious note, therefore, we consider such discrimination in allowing entry as violation of the Right to Equality before the law or the equal protection of the laws guaranteed under art 14 of the Constitution, and of the Rule of law.
6. Kindly take action without delay.

(2) Text of Forum's letter dt 28-01-2014 to the Appellate Authority- Office of the MD APTDC, and to the Spl. Dy Collector & Estate Officer APTDC.

Ref: your APTDC, PIO Lr. No: APTDC/PIO/2013/11 dt 30.11.2013 enclosing APTDC/EM/C1/03/2001 dt 30.11.2013 addressed to the PIO, APTDC, and the reply annexed thereto signed by the Spl Dy Collector & Estate Officer, APTDC in reply to the letter dt 16.11.2013 by petitioner, Shri M.Mandal, under RTI Act 2005.

With reference to the above-captioned subject, I have to advise that full information as desired by me, has not been furnished. I advise, seriatim as under:

1. The statement that 'Entry has never been denied to every visitor' is ambiguous. It does not preclude the possibility that entry could have been denied to some visitor(s). In fact, in terms of the statement under the last two subparagraphs of para 3 of your reply, it is clear that entry is denied to "grass cutters in APTDC land at Naya Qila, and further, that the entry is permitted to tourists (only). Please advise how you reconcile this position with Article 2 of the MOU dt 23.9.2009, which states clearly that none of the members of the public will be prohibited from entering Naya Qila, and does not confine access to only tourists or exclude the cultivators. In terms of the same article, only public access to the golf course area is prohibited. Please, therefore, clarify your stand. Please also advise whether you have issued any official order and made any public notification restricting the entry to only tourists and excluding the former 'grass cutters'.
For ready reference, we append the article 2 of the MOU again. (..... printed before.)
2. Items 2 & first sub-para of para 3 of your reply: Our questions raised are very pertinent. Please answer them; otherwise, we shall treat your information as incomplete.
3. Para 3, sub-para 2: Please advise how the 3- member sub-committee, if it decided as you have said, went beyond its brief as provided by the AP High Court order dt 8.6.10 which asked it to ensure that no work is

undertaken at Naya Qila except grassing without change of contours. This order was a permitted relaxation of the earlier order of 'no construction', which otherwise continues. Please advise how you permitted /decided fencing which is specifically prohibited u/art 2 (dc) of AM & ASR Act 1958 continued in the amended Act of 2010; which involves digging for non-cultivation prohibited under 19(1) and (2) of the aforesaid Act.

- Re sub-para 3 of para 3 of your reply, please advise under what law / rule / prevalent in India did you instruct not to allow 'grass cutters' in APTDC land. As far we know, while encroachers, assuming but not admitting that the 'grass cutters' were so, can be evicted by due process of law and the property guarded, there is no law that debars an erstwhile encroacher(s), assuming but not admitting that the 'grass cutters' were so, from entering the neighbouring areas. Please clarify. Please also furnish us with a copy of your instructions to the Police/security guards specifically asking them to prevent 'grass cutters' from entering.
- Re sub-para 4, please advise how you instructed to confine access to only tourists.

4. I appeal to you to furnish me with full information

(3) Forum's letter dt 03-02-2014 to Dr. P.Vijay Anand Reddy, Founder- Cure Foundation, Hyd. on the subject: Cancer Crusaders Invitation Cup- 2014 Golf Tournament on Feb. 15-16 at Hyderabad Golf Course. Report in the Hindu dt. 3-2-2014.

We welcome your initiative and efforts in spreading awareness about cancer through meaningful campaigns. We extend our support to your campaigns.

In this connection, we have to point out that your choice of the Hyderabad golf course at Naya Qila, an integral part of the nationally protected Golconda Fort monument, is an extremely inappropriate choice. This golf course, partly in the protected Naya Qila fort, partly covering Shatam Talab, and partly in Jamalikunta a former a water body as kunta would indicate, through its laying the golf course has severely damaged the rocky terrain, changed the contours, damaged water bodies, uprooted and cut a number of trees without sanction, destroyed bushes where migratory birds used to flock, created golf holes even in burges, erected fences contrary to the laws prohibiting digging and construction in protected areas of a monument, and disturbed the unexplored heritages underneath. At one point they even cut through the historic moat wall, they have filled up the moats at some places. In fact, the project of laying a golf course inside Naya Qila, itself, is incongruous with the terrain and the heritages of the area. They have unlawfully occupied a major part 20 acres) of the Naya Qila talab which becomes dry after the rainy season and were given by the Nizam as patta land to the farmers. The few among surviving Persian garden, Qutb Shahi bagh is still undemarcated despite Court order. Recently, about 50 acres of grasslands, which were so far being cultivated by several

local families of farmers as means to their livelihood, were fenced, under police protection, and the farmers prohibited from entering their erstwhile farmlands. The farmers had refused to accept a meager compensation of Rs. 80000/- per acre and demanded alternative land of equivalent value nearby which was agreed to by the

Collector but proposal dropped unilaterally. The compensation money is lying in the Court. Imagine the forcible acquisition of the agricultural land in late 2013, when the new land acquisition bill, passed on 1.1.2014, was already finalized! Of late, this prohibition has been extended by preventing the locals and some persons/groups, from even entering Naya Qila, through the public entrances, while allowing golfers and some others to enter, thereby violating not merely the article in the MOU re the golf course stipulating that the public access to Naya Qila will continue through all passages including the main entrance, while prohibiting general public access to the golf course area only; but also, more fundamentally, Article 14 of the Constitution of India, providing equal treatment to all under the law. The plea given is that such people may create disturbances to the golf course if allowed to enter! Without any public notification to such effect lest this may be contested in law. While the bar to entry of the locals gives a free hand to the golf club to upload truckloads of soil etc obviously to change contours. Discriminatory prohibition is exercised through sheer use of police force against the poor farmers' families.

Please note further, that although the Hyderabad golf course is propagated as a state government project, it is not so, it is a BOT project, the ownership of the course lies with the Hyderabad golf association for a lease period of 50 years at a lease rental of Re 1/- per acre p.a., renewable further on terms and conditions at the option of the state government. Various cases are already subjudice in the honorable A.P. High Court. The golf course has violated the Architecture laws and regulations, the Court orders and the articles of the MOU for laying the golf course. The intention of the Hyderabad golf course association supported by the A.P. Tourism Dept. is to gain publicity and credibility before the public, by arranging golf matches for well meaning organizations, and nationally reputed champion players. Golf is a great game. The essence of golf game is to accept Nature, heritages, its subsurface potentials, other characteristics of the site, the rocks, the ups & downs of the terrain, and take them in its stride, not to change them, while laying the golf course. Like a mountain climber does not want to chisel the ascension path; like an English Channel swimmer who confronts its cold and turbulent waters, its currents, not put barrages to Calm the water, or to warm it, along the crossing path. HGA lacks in the spirit of golf game.

We request you not to play into the hands of the Hyderabad golf course and the tourism department, and refrain from using a disputed golf course as your venue for propagation of a noble cause. There are many other older golf clubs/

courses at Hyderabad. We enclose a booklet produced by us on the subject, which says the unpleasant story of the golf course in some details. The saga of violations, however, continues.

Yours faithfully,

For & On behalf of Forum and For & On behalf of SOUL

Forum For A Better Hyderabad is a Trust formed in 2002, consisting of individuals and a network of civil society organizations, engaged in the conservation of heritages, environment, and promoting sustainable development. **SOUL** is a body of individuals and organizations working for protection of lakes and water bodies in and around Hyderabad.

Copy forwarded for information and necessary action to:

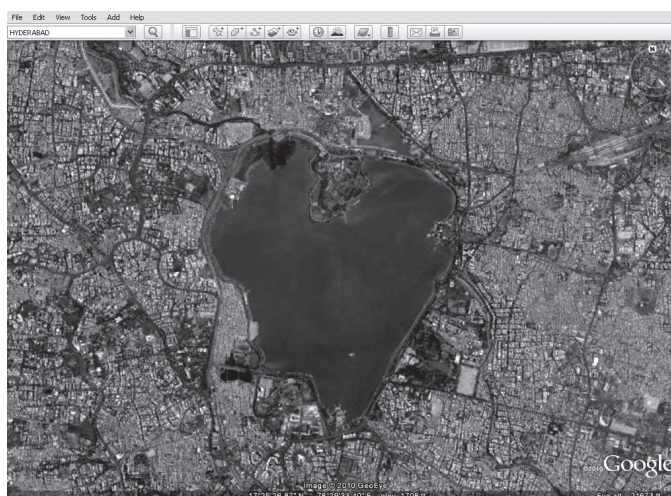
Ms Sania Mirza. Ms Saina Nehwal

WATER BODIES- LAKES- HUSSAINSAGAR

The Forum's Press Release dt17-01-2014 is given below. Local newspapers (English, Telegu. Urdu) had reported on the basis of this press release.

Forum for A Better Hyderabad hails the decision of the Hon'ble Supreme court of India which made it clear that no further development, construction activities shall be under taken around fresh water lake in the heart of Hyderabad. The Forum has been waging a continuous battle to save this lake right from 2000 when it first succeeded in the AP High Court which cancelled the 21 projects in and around the lake. It may be recalled that Prof. G. Hargopal and others had approached the Supreme Court when the lake bed was sought to be used for other purposes. The Forum for A Better Hyderabad had filed a petition in this case in the Supreme Court complaining that some land around the lake is sought to be given off in the name of Late Dr. YS Rajasekhara Reddy memorial park etc., though the Supreme Court is seized off the matter. The case had come for hearing on 16-1-2014 before the Supreme Court bench.

The court noticed that the expert's committees appointed by the court had filed detailed reports (three committees viz



1).Luther Committee, 2).First and second Rajamani Committees,) to save the lake and these have not been challenged by any of the respondent Government/ Real Estate developers. The Supreme Court has disposed of the case by giving directions to the A.P. High Court by stating that, the Honorable A.P. High Court shall give final verdict in respect of the pending cases within four months by considering the three committee's recommendations and the prevailing local GHMC & HMDA regulations. Meanwhile the interim stay will be in force which stopped all constructions in and around Hussain Sagar Lake.

Thanks to Mr. Colin Gonsalves and Mr.K.S.Murthy for their continuous support. Mr.M.Vedakumar, President, FBH also was represented on the day of hearing at Supreme court, New Delhi on i.e., 16th Jan 2014.

WATER BODIES, LAKES, TREES

Team members of SOUL (Save Our Urban Lakes) have written a letter dt 8th Feb. 2014 to State level WALT authorities, Collector RR Dist., Ex-officio Member Secy. RR Dist. WALT, MRO Rajendranagar Mandal, GHMC,HMDA, Chairman Lake Protection Committee. Copy is reproduced.

Sub: Threat to Hussain Sagar - Lake ID 4101 – Hussain Sagar– Khairatabad Mandal– Hyderabad District – Review Report of HCIP - Civil Society participation in review process-Reg.

Ref: The Andhra Pradesh Water, Land and Trees Act, 2002; Andhra Pradesh Water, Land and Trees Rules, 2004; GOMs 244 dt. 26.6.2002; GOMs 240 dt. 25.6.2002; GOMs 239 dt. 25.6.2002; GOMs 121 dt. 16.4.2003; GOMs 47 dt. 3.3.2003; GOMs 282 dt. 20.2.2002; Lr.No. 9541/CRD/APWALTA/2002 dt. 13.6.2003; Govt Memo 7618/RD/IV/A2/2003-1 dt. 6.6.2003; GOMs 157 dt. 06.04.2010; GOMs 33 dt. 24-01-2013; GOMs. 339 dt. 6.11.2004; IPC 1860 Sec. 277; AP (TA) Revenue Act 1317F; AP (TA) Irrigation Act 1357F; Art.51A (g)(i) of Constitution of India.

Further to all our earlier complaints and the recent ones of 18-Dec-2013 on dredging and 05-Feb-2014 on encroachments, and with regard to the subject and references cited above we urge you to **exercise your powers**



conferred upon you by Sec. 23 of APWALTA 2002, WALT Rules 2004 and GOs cited above. Lake violations on Hussain Sagar to be addressed on war-footing:

- 1. Place in public domain the report on Progress Review of Hussain Sagar Lake and Catchment Area Improvement Project (HCIP) conducted on 07-02-2014.**
- 2. Include civil society participation in the Review Process as a standard of good governance towards transparency and accountability.**
- 3. Proceed against the public servants according to AP WALT 2002 34(3) in light of their inaction against destruction of water body and occupation of public space.**
- 4. Proceed against encroachers, damagers & contaminators**
- 5. Honour and award the local water body champions who are resisting corruption and threats, to protect commons and uphold justice.**
6. Constitute the state, district and mandal walt authority & delienate the designated officers in terms of walt 2002 and rules 2004, as requested in our letter dt. 11/12/2013 & Lokayukta order dt. 24/4/2013
7. Install a robust lake violation reporting mechanism & time-bound followup;
8. Demarcate FTL boundaries/maximum water spread area and place them in public domain;
9. All other measures necessary for conservation of the lake structure and system, including sensitization of locals towards lake conservation, including heavy penalties as deterrents.

We are distressed and agitated to note that, whereas you are expected by law and by society to take action *suo moto*, you are contravening the provisions of the Act that you are authorized to implement.

Please do not fail to **mark us a copy when you authorize the 'Designated Officers'** to enforce action on ground. We as people's collective look forward to have the WALT Act 2002 implemented immediately for getting the desired impact in the field.

We assure you of our cooperation at grassroots and strategic levels, through participation, advocacy and eco-technology.

SOUL on 5-2-14 had also sent email to Shri Kishen Das, Director- Lakes HMDA- BPPA Office, Tankbund enclosing updated consolidated statement of lakes/ water bodies with violations, and mentioning that this statement would be posted (and kept updated) on SOUL's website. (http://soulhyd.org/hmda_lakes.html)The updation will include positive action taken by the authorities towards conservation of water bodies.