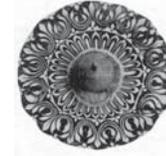


NAYAQILA



**GOLCONDA FORT IS
UNDER THREAT
FROM A GOLF COURSE
*PLEASE SAVE IT***



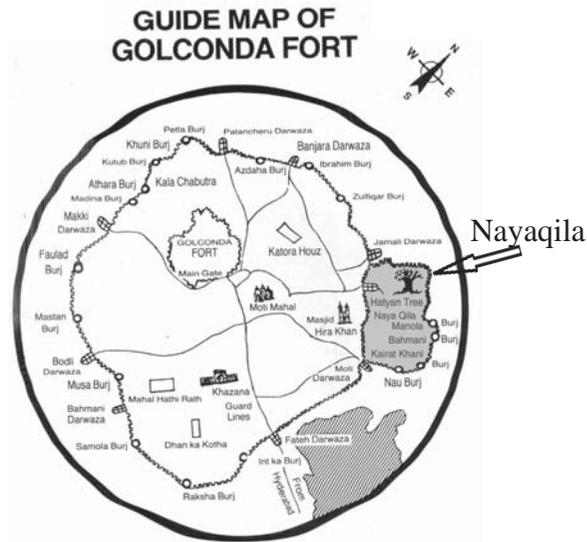
Golconda Fort

**FORUM FOR A BETTER HYDERABAD
JULY, 2009**

FORUM FOR A BETTER HYDERABAD

Tel: (0091-40) 27636214, Fax: 27635644,

E-mail: betterhyd@yahoo.co.in Website: www.hyderabadgreens.org



Save Naya Qila

(Golconda Fort, Hyderabad)

Year : July, 2009

Published by :

Forum For A Better Hyderabad
"CHANDRAM", 490, St.No. 11,
Himayatnagar, Hyderabad - 29.
Phone : +91-040-27636214,
Email : betterhyd@yahoo.co.in

Layout & Design :

Charita Impressions

Photographs Courtesy :

Chelimi Foundation

for private circulation

Printed at :

DECCAN PRESS Azamabad, Hyderabad. Ph.+91-040-27678411
e-mail : deccanpress@hotmail.com

Dear Sir / Madam,

Golconda Fort is under threat from a golf course.

Please save it.

A project to construct a golf course inside the Nayaqila area of the Golconda Fort wall and within the protected areas of the Fort [the protected areas are defined in the Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1951, Notification No 3/1/85 dated 5th August 1985, Notification dated 29-1.1986, Gazette Notification dated 16.6.1992], is being implemented by one Hyderabad Golf Association, as licensee of Andhra Pradesh Tourism Development Corporation Ltd, without proper approval of the Archeological Survey of India (ASI), and in material violation of the preliminary conditions laid down in the draft Memorandum of Understanding (MOU) sent by them which is not yet signed and requires to be vetted thereafter by the Union Ministry of Law. As you know, Golconda Fort is under the active consideration of the UNESCO for recognition as a World Heritage Site. The chances of its recognition as a World Heritage Site will be severely damaged and destroyed if its site integrity which remains unexplored is allowed to be affected by a golf course, as is currently happening. This will also severely affect the tourism potentials of the Monument and affect tourism revenue. A host of international experts and UNESCO Delhi have objected to the project and sought its cancellation.

We enclose a detailed Note on the subject which is based on irrefutable facts and which demonstrates how the project is a danger to the Monument and that there cannot be any justification for the golf course in the

protected areas of the Monument. We have also shown how certain pleas taken by the Golf club in support of the project cannot be substantiated by facts and logic.

We request you to study it. We are available for any clarifications.

While we the FORUM and PUCCAR have taken up the matter through the Hon'ble A.P. High Court which has kindly stayed further works, and while we are trying to mobilize the civil societies, COVA, CHATRI, CHELIMI FOUNDATION, NAPM AND HERITAGE WATCH etc., we request you also to take up the issue through your own channels and through the Legislative Assemblies, the parliament and other Forums.

Let us save the Monument of Hyderabad.

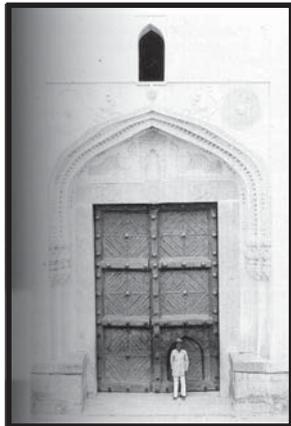

Yours faithfully,

(M. VEDAKUMAR)

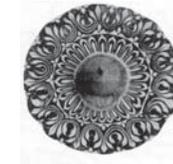
President

FORUM FOR A BETTER HYDERABAD
"CHANDRAM", 490, St.No. 11,

Himayatnagar, Hyderabad - 500 029, A.P., INDIA.
Mobile - 9959922022, E-mail : vedakumarm@yahoo.com



NAYAQILA

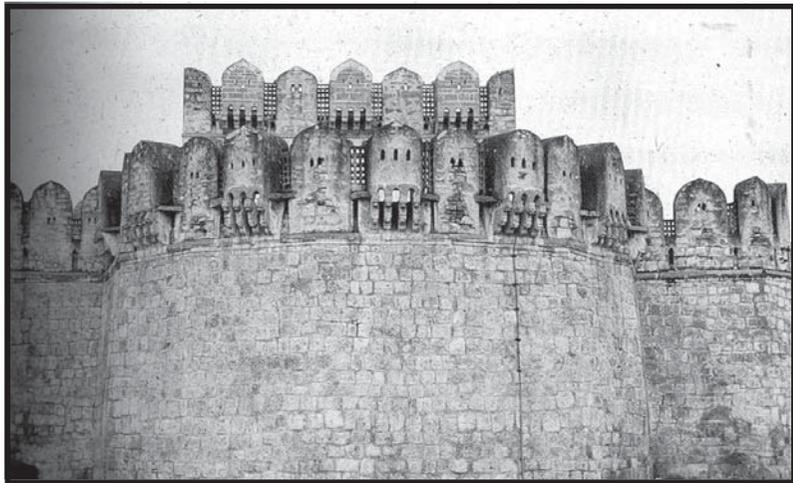


Naya Qila

The **Naya Qila** or "new fort" is on a hillock North-East of the main citadel. It was built by Abdullah Qutb Shah. This hillock was used as a base by Aurangzeb for his first attack on Golconda in 1656. Once he had established a truce with the Mughal invaders, Abdullah Qutb Shah set about fortifying his defences. He extended the fort wall to include the new fort and built such strong and formidable bastions to protect it that the Mughals, during their second invasion, avoided it completely and attacked from the south. In the Naya Quila, the most fascinating section, besides the burz, is the Baradari at the head of a number of pools and fountains. The Qutub Shahi gardens occupies ten acres land, Masjid-e-Mullah Khayali is situated within the Naya Quila. It was constructed in 1580 by Mullah Khayali, who was a poet laureate "**Hathian-Ki-jhad**". This was probably the most beautiful of Golconda's pleasure resorts and in its original form, must have been spell-binding. Nizam Ali Khan, AsafJah II, was a frequent visitor here.

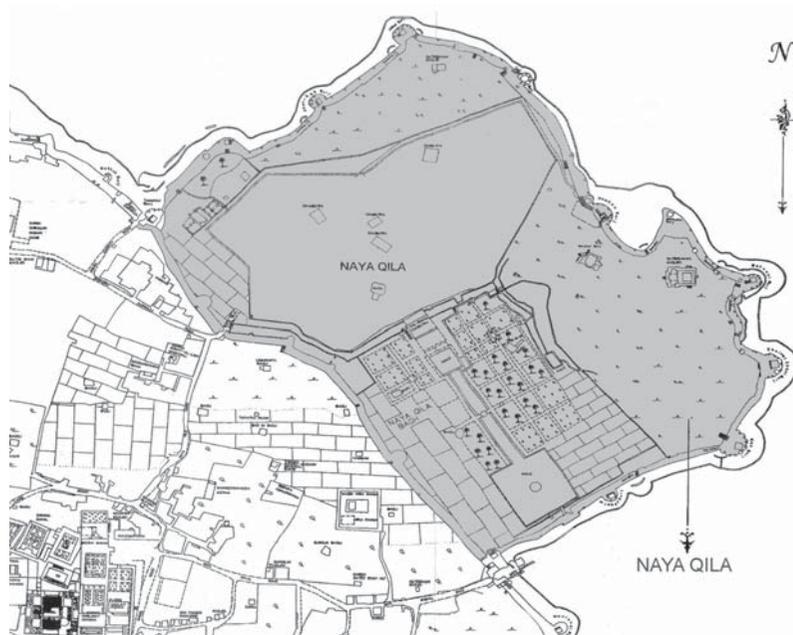
Sultan Muhammad Qutb Shah further extended the fort by the erection of the Naya Qila or the New Fort on the North-Eastern side, between the Jamali and Moti darwazas. The work was under taken by prince Abdullah and was completed in 1629, after his accession to the throne. The weak of the old fort were strengthened from time to time with a view to safeguard it from the Mughal attacks. An inscription on the western wall of the old fort gives details of the repairs made during the reign of Muhammad Qutb Shah, by his son Abdullah Mirza in 1029/1619. The inscription was fixed later in 1038/1628.

NAYAQILA



Golconda Fort Entrance

GOLCONDA SURVEY MAP
 ARCHEOLOGICAL BUILDINGS
 SCALE 200 FT = 1 INCH



Golconda Fort threatened by a Golf Course

This booklet is a statement of our position on the Golf course project inside the Nayaqila area inside the Fort walls and the adjoining protected areas of the Monument. This article seeks to make a statement of facts and reason how the project of laying a golf course within the protected areas of the Golconda Fort constitutes a serious threat to the Monument, and to the prospects of building tourism around it, while at the same time being totally irrelevant to the theme of the Monument. To make it easy of comprehension, we have arranged the salient points in boxes.

The protected areas of the Golconda Fort

The Archaeological Survey of India, New Delhi (ASI) under whose protection the Golconda Fort lies under the Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1951, clarified, by a notification No 3/1/85 dated 5th August 1985, Golconda Fort as comprising Citadel, outer fortification walls, gateways and other ancient structures including Naya Qila and Qutub Shahi Mahal fortification walls. By notification dated 29.1.1986, "All the private land within the Fort" was declared as a prohibited area for the purpose of constructions. By Gazette notification dated 16.6.1992, the areas up to 100 metres and further beyond it up to 200 metres near or adjoining protected monuments were declared as prohibited and regulated areas respectively for purposes of both construction and mining operations.

Genesis of the golf course project.

Conditions of an MOU by ASI, that was never signed & vetted by Union Ministry of Law

An 18 hole golf course was proposed to be laid out within, and affecting, the protected areas around the Golconda Fort. Total land allotted for the purpose by the State Government to Andhra Pradesh Tourism Corporation Ltd (APTDCL) is 212.17 acres , by virtue of the order in GO Ms no 280, YAT&C dt 18.12.01 read with GO Ms No 11, YAT & C(T) Deptt dated 16.1.02. Out of the 212.17 acres, 50 acres are in the Naya Qila area inside the Fort walls. The Director General, ASI . New Delhi agreed to a request made by the Secretary, Youth Advancement, Tourism & Culture, A.P. State government to set up Golf Course within the walls of Naya Qila encompassing an area of roughly 50 acres, vide his letter no F. No. 26/16/98-M dated 29.11.2001. The DG. ASI. however, clearly stated that the proposal has been agreed to *in principle subject to observance of eight conditions* by the State Government. Some of these conditions were (the number of a condition is mentioned in brackets) :

(2) The existing access of the public to the monument including the presently unused mosques, viz., Mullah Khayali and Mustafa Khan will continue as before: (4) the golf course will develop along the existing contours of the land. (5) There is evidence of a Qutub Shahi garden to the right of the present entry point. This portion of land comprising about 10 acres will be developed as per the original layout, records of which are available with the Hyderabad Circle (of ASI). (8) The complete layout of the golf course both within the Fort walls and outside should be submitted to the ASI for its approval.

Further, the State Government was requested to submit to the ASI by 31.12.01 the draft MOU based on the aforesaid observations so that the finer details can be worked out at the earliest and it could be vetted by the Ministry of Law. A copy of this letter was endorsed to the Superintending Archaeologist, ASI, Hyderabad Circle.

This letter was not a permission at all, but an indication of consent subject to compliance of many conditions in advance.

This MOU is not yet signed by ASI, after which it is further required to be vetted by Union Ministry of Law.

Requirements of the Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1958.

Article 19 (1) of the Act says: (1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilise such area or any part thereof in any other manner without the permission of the Central Government.

Provided that nothing in this sub-section shall be deemed to prohibit the use of such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

Article 19(2): The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

HGA constructed a huge club house within 100 metres of the fort wall, a construction for the guards, where no construction activity is permissible, and they built a fence on the Kondak wall.

Thus Article 19(1) & (2) have been violated.

A Hasty Agreement with the Hyderabad Golf Association.

Meanwhile, the Andhra Pradesh Tourism Development Corporation Limited (APTDCL) entered into a Deed of License (DL) as Licensor with Hyderabad Golf Association (HGA) as the Licensee for on 6.2.02 for setting up Golf Course as a joint venture. This DL , inter alia, mentions that the Government of Andhra Pradesh , in its MOU entered on 10.1.01, has been pleased to indicate that the Hyderabad Golf Association (HGA), Licensee, will carry out the developmental works connected with the planning of the Golf Course Project. The DL in clause 10 says, *the Licensee shall commence the construction of the buildings with immediate effect and has already commenced the work of laying the golf course. The Licensee agrees to make available nine holes by or before June 2003 and the remaining 9 approved within nine months thereafter.* Clause 11 says : the Licensee shall obtain the requisite approval from the government, State or Central or the MCH, HUDA, HMWS & SB and central Power Distribution Co Ltd and any other statutory authority to enable the Licensee to commence and complete the construction of the buildings and laying of the golf course in all respects.

Thus the DL gave wide powers to HGA to proceed with the construction of the golf course and the requisite constructions, even though no MOU was yet signed with the ASI which further required to be vetted by the Ministry of Law. In fact the MOU has even now not been signed. The HGA only, after a lapse of seven years, submitted a draft MOU which ASI, Hyderabad forwarded to ASI, New Delhi vide their letter no 11/3/Hyd/GC/2008-M/2451 dated 27.9.2008 with their recommendations against item by item of the stipulated conditions. *Strangely, a lay out*

of the Golf Course was not submitted as required under condition no 8, and the ASI, Hyderabad simply forwarded it with “no comments” against that item. The condition is a very important one and not complying with it cannot be explained as a mere oversight. The MOU cannot be approved without furnishing such an important information.

The approval or otherwise of the draft MOU is still pending. Nor has the HGA obtained any “requisite approval” from ASI, they did not even inform the ASI of the works undertaken. Thus, abinitio there was violation of the conditions of the ASI, and also of various provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, in particular those concerning constructions, digging of soil, etc.

Violations agalore !

However, the HGA freely went about engaging in various works relating to the construction of the golf course including structures.

- even without approval of the draft MOU and before even submitting it,
- even without obtaining any permission from ASI, and
- notwithstanding requests by ASI Hyderabad to refrain from such acts and in violation of the conditions of the draft MOU and the provisions of the 1951 Act.

These facts were repeatedly stated by ASI, Hyderabad in its affidavits to the High Court.

THE HGA and the concerned state authorities by signing the Deed of Licence as stated above, and by further violations of the draft MOU and The Monuments Act, acted in a manner as if the ASI did not exist at all. There was gross exhibition of non-chalance and arrogance.

Some instances of violations :

- (a) HGA cut a portion (10' x 10') of the Khandak wall (moat wall) between Jamalikunta and Nayaqila to connect two parts of the golf course. A report dated 13.11.08 recorded at ASI, Hyderabad stated that that HGA were making an under-passage from the existing golf course to Nayaqila near the exit way and had cut a portion of the Khandak wall over which the road was laid for creating the under-passage for players to enter the Nayaqila without crossing the road. In the affidavit dated 24.11.08 by the ASI, Hyderabad circle to the High Court, it was stated that the moat wall which is heritage property was removed by JCB (a heavy machinery – the use of heavy machinery is prohibited in the Fort area) and trying to dismantle the natural rock by means of compressor over which the structure was laid , which may cause danger to the structure.
- (b) APTDC and HGA claimed that Hyderabad Metro Water Supply & Sewage Board (HMW S & SB) had taken up the activity for laying pipes but the latter denied that it had taken any such work or authorized anyone to take up the works. Only after the Court order was passed on 2.12.09 to restore the moat wall and refill the moats, and when ASI Hyderabad circle arranged to comply with the court order, the HMWS&SB took a new plea for allowing drainage pipe through the broken portion of the moat wall, which was obviously an afterthought to defeat the court order to rebuild the moat wall. ASI Hyderabad circle considered the request untenable; yet the request was repeated by HMW S & SB and their request was endorsed by APTDCL. Thus the ASI was prevented from implementing the High Court's order!

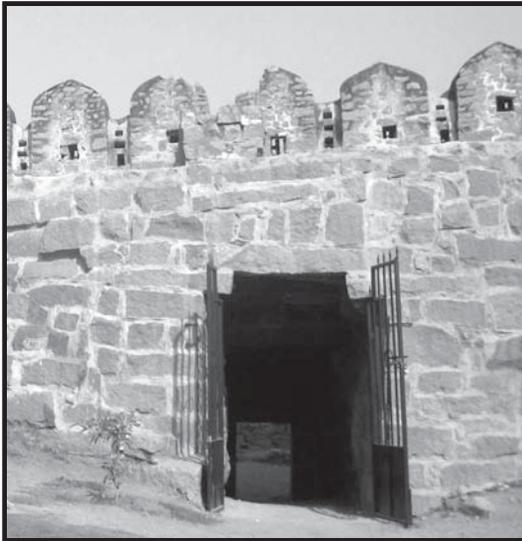
[In this connection, an earlier judgment of the A.P. High Court in W.P. no 7631 of 2002 which is given later in a box may be referred to]



Picture of the breach in the Khandak

- (c) The Surang, an entry originally provided in the Monument , to Naya Qila area inside the Fort. was dug by 2 feet, to increase its height from 6 feet to 8 feet, for easy passage to golfers. To restrict entry of others, a gate was put at the Surang, which earlier was not there.

Picture of the Surang with the gate



- (d) In Naya Qila area within the Fort wall, HGA was carrying the work of digging and leveling the earth, without any permission by ASI, Hyderabad, and notwithstanding having been requested not to initiate any activity within 100 metres from the protected area of ASI Monuments (ASI affidavit dated 24.11.08 filed with the High Court).
- (e) During inspection, the officers (of ASI Hyderabad) observed that the moat falling between Banjara Darwaja and Jamali Darwaja of Golconda fort within the fenced area of the HGA was partly filled with garbage and red soil, and the same was leveled by the HGA. ASI again wrote on 5.9.08 to stop such unauthorized activity of

filling the moat and to remove the earth already filled as the action of HGA was against the principle of Ancient Monuments and Archaeological Sites & Remains Act 1958, and Rules 1959. ASI , Hyderabad filed an FIR against the HGA on 8.9.08.

Picture of heavy machinery in use



- (f) While using heavy machinery to dip soil, century old coins were found and this was informed to the Collector, MRO and the concerned officials. Finally, the coins were sent to ASI, Hyderabad. It is not known how many number of coins found were truly reported. Due to digging of the earth, artifacts were founded, which are unaccounted for. Even now they are found on the ground. All these show scant regard for the hidden heritages in the Naya qila area . As per guidelines, an area where such items have been found should be sealed, but this has not been done at this fort. The provisions of the A.P. Treasure Trove rules framed under the Indian Treasure Trove Act have been violated.

Picture of artifacts shown by M.Vedakumar to others



- (g) Fencing of the golf course has interfered with the public access to Mullah Khayali mosque, the Hathian ki jhar, the graveyards within the Naya qila area. Earlier, tourists and visitors, after visiting the Hathian ki jhar and Mustafa Khan mosque used to frequent the watch tower and the Tope (cannon); now they cannot reach these sites due to the fencing. Mustafa khan mosque is another important site in Nayaqila area. Rocks have been blasted / broken on the road to the mosque, Signboards have been put at many places, " trespassers will be prosecuted". " Golf course project / APTDC". These give the message that this area is off the limits of a tourist / visitor, and is only for HGA members. Thus condition number 2 of the draft MOU which prohibits any restriction of access to the public, has been violated.

Pictures showing fencing around Hathian ki Jhad, signboards of APTDCL



Sign Boards within Nayaquila

- (h) Contours have been changed in the name of greening and grassing, by breaking rocks, by digging, leveling, and dumping soil bought from outside. Heavy

excavating machines, use of which is prohibited inside the Fort area have been used / are still seen on site. Sand pits, which require digging at considerable depth (definitely beyond 1 foot prescribed under 19(1) of the Monuments Act), have been created in the golf course inside the Nayaqila area of the Fort.

Picture of sand pit



- (i) Condition no 5 of the draft MOU states that there is evidence of a Qutub Shahi garden comprising about 10 acres in Naya qila area(out of 50 acres) and that this portion will be developed as per the original layout. Since the Garden's location is not yet identified . it is apprehended that HGA may level this area too for extending the golf course.
- (j) Besides, some of items of agreement(s) were contrary to the conservation of the monument and its precinct areas. We quote by way of example from the Minutes of the Meeting dated 14.9.08:
 " ASI to fence the moat area as per land survey records"
 " Area on the HGA (Hyderabad Golf Association) side of the fence to be developed without creating permanent structures"

" Maximum trees to be preserved in the area" - Question - why maximum instead of stating that all trees to be preserved in the area and no trees to be removed without prior written approval of ASI, Hyderabad circle and other concerned authorities under WALTA of the state government. Also, no census of trees was undertaken. Thus some trees were removed illegally.

- (k) The Hyderabad Golf Association has constructed a huge building as Club House falling within 100metres, i.e., the prohibited area from the rampart wall of the Golconda fort, a small permanent building for security personnel, and fencing within the prohibited area adjacent to the moat and a wall along the road separating the Jamalikunta area of the golf course. They have constructed a fence around the golf course within the Naya Qila area and also made some changes on the ground level. Thus the provisions of Article 19 (1) of the Monuments Act has been violated and warrants invocation of Article 19(2) for removal of such building both articles have been quoted earlier.

Picture of club house building





Strangely the permission for building this club house was obtained from the Heritage Conservation Committee (HCC) on 26th July 2006, subject to specific clearance of the proposed structure also from the Archaeological Survey of India.:

In HCC's 98th meeting dated 21.1.09, a proposal was submitted for construction of Club house with Cellar, Ground+ 2 Upper floors to the existing Golf club house. The HCC proposed for inspection by members."

HCC is not the proper authority to sanction but ASI only.

Repeated violations of the Court orders.

A PIL no 24623 was filed with A.P. High Court by the Peoples Union For Civic Action & Rights (PUCAAR) and the Forum For A Better Hyderabad, praying that the High Court may please declare the action of the respondents Nos 1 to 6 (namely, ASI, New Delhi; ASI, Hyderabad Circle; Secretary to Youth Advancement, Tourism & Cultural Department, Government of A. P.; APTDC; Collector & District Magistrate, Hyderabad; Commissioner of Police (CP), Hyderabad;, and H.G.A) in allotting the land in and around Golconda Fort in favour of HGA and not stopping the work of developmental activities including leveling of land etc., taken up by HGA in and around Golconda Fort especially the Naya Qila and the moat at Jamali Kunta, as illegal and unconstitutional and consequently direct the respondents to restore the area to the pristine glory and restore the access to the citizens especially the tourists and the local people to all the areas of ancient heritage structure after directing the respondents to take back the land given to HGA.

The High Court observed in their order dated 2.12.08: " The affidavits filed in this writ petition go to show that the compound wall of the Golconda Fort has been damaged at certain places. it does not appear that any activity from the respondent authorities to rebuild the compound wall, is taken up" and instructed HGA to stop further work until the appeal is disposed of. "The Golconda Fort and Nayaqila are the monuments and therefore, ASI has got bounden duty to protect and maintain the same. Under the circumstances, ... the ASI, New Delhi and ASI, Hyderabad Circle shall take immediate steps to reconstruct the compound wall and other damaged structures in Golconda Fort and Nayaqila and restore the same within a period of two months from today...."

As HGA did not stop the work, nor were the reconstruction / restoration of the damaged compound walls of the GK Fort and the other damaged structures in GK Fort and

Nayaqila done, the High Court was approached again, Based on an undertaking by the Managing Director, APTDCL, that APTDCL through the agencies having required expertise will carry out the works in disputed areas strictly in accordance with the conditions imposed by ASI, New Delhi in letter F.No.26/16/98-M dated 29.11.01; that they will not make or allow any permanent constructions by the licensee (i.e. HGA) in the protected area and will safeguard the areas in question; that the entire work will be under the supervision of the APTDC and the Government, the High Court directed, vide order dated 26.12.08, the respondent (APTDC) to ensure that such work was / is done " strictly in accordance with the conditions imposed by the 1st respondent (ASI, New Delhi) in letter F No 26/16/98-M dated 29.11.01 , in consultation with the ASI. New Delhi".

Works of various types were continued, violating the conditions of the draft MOU. ASI Hyderabad informed that they have not given any consent for such works. The High Court was approached again and by their order dated 17.3.09, directed the respondents not to take up construction or change the contours and adjourned the hearing till 23.3.09 to enable the respondents to file counter affidavits.

The case was heard further and the Court by its order dated 16.6.09 directed the District Collector, Hyderabad, to file a counter affidavit regarding the construction activity near the Golconda Fort, within two weeks . This order was passed after the court was informed by GHMC Hyderabad and HMWSSB that they were not taking up any works around Golconda Fort. In the current petition the Forum had alleged that after the Court restrained the HGA and the APTDCL from taking up works in and around Golconda, new construction works preceded by blasting of the base of the fort walls had been taken up. The GHMC and HMWSSB were impleaded as party respondents and direction was sought to restrain them from taking up further work. The counsel for these organisations told the court that they were not concerned with the ongoing works.

Complete failure of oversight by the state authorities.

- There were. HGA is untrustworthy.
- There was failure of all the authorities to enforce compliance by the HGA which indulged in . repeated violations of the conditions of the draft MOU, of the Monuments Act, non-chalance to the ASI, disregard of the Court orders, misrepresentation of facts. The police registered complaints only under repeated pressure, did not register FIRs except in a few cases, and took no action, The local citizens including members of the petitioner organizations made repeated complaints to the local police station, copy to the C.P., and petitioned to the Hyderabad District Collector, to stop the works but no action was taken.
- It is also observed from the minutes of the meetings (quoted earlier) that the District Collector, and the Superintending Archaeologist, ASI, sometimes reached agreements with the HGA (which in fact favoured the latter), when they had no authority to enter any agreement whatsoever in the absence of the signed MOU.
- Surprisingly, the APTDCL which gave an undertaking to the Court that the entire work will be under the supervision of the APTDC and the Government, on the basis of which, the High Court directed, vide order dated 26.12.08, the respondent (APTDC) to ensure that such work was / is done " strictly in accordance with the conditions imposed by the 1st respondent (ASI, New Delhi) in letter F No 26/16/98-M dated 29.11.01 , in consultation with the ASI. New Delhi", virtually reneged their undertaking by their letter dated 6.4.09 to Shri Mohd Afzal under RTA, and transferred the responsibility to HGA / the Secretary, department of YAT & C, Government of A.P. Secretariat Hyderabad.

Some important policy issues

- whether the development inside, and affecting the protected and regulated areas of a monument, should be given to a private party, if so how such a party should be chosen, In the instant case, HGA, a purely private organisation, was chosen to execute the project and as a joint partner in it without any competitive bidding. And there were repeated violations by the HGA of the conditions of the draft MOU, of the Monuments Act, non-chalance to the SI, disregard of the Court orders, misrepresentation of facts. Obviously. HGA is untrustworthy.
- what should be an effective mechanism / oversight to enforce the prescribed safeguards for the proper protection of a leased part of the Monument and to ensure strict compliance with the prescribed obligations. Whether in the oversight function, ASI should involve suitable NGO/CSOs. We find to our regret that immediately on receipt of the ASI, New Delhi's in principle, conditional, consent, the APTDCL, for reasons unknown, interpreted it as permission and, without completion of the prescribed requirements, handed over the area to the HGA, asking them to start the work of laying the golf course , etc.
- **The terms and conditions of membership (free or subsidized or on conditions as applicable to an ordinary member) of government officials other than those who are mentioned as government nominees also need to be examined.**

Damaging site integrity and the prospects of Golconda Fort for recognition as World Heritage Site and its tourism potentials

Even scholars from abroad are agitated over this golf course project inside the fort area.

They have raised with the ASI, and the State Government several important issues as follows:

As foreign scholars with an interest in the cultural heritage of Andhra Pradesh, we have read with alarm in newspapers and emails from our friends and colleagues in Hyderabad about the current situation in the Naya Qila area of Golconda Fort. We are writing to express our concern about the damage done to this important site by the Hyderabad Golf Association (HGA) in the course of turning the Naya Qila area into an extension of its golf grounds, made possible through the permission of the Andhra Pradesh Tourism Development Corporation (APTDC) and the in principle conditional expression of consent of the Archaeological Survey of India (ASI). We urge you to cancel the lease agreement with the HGA at once, and additionally use the opportunity to give the Naya Qila area the attention it deserves for heritage management and development. Although you are no doubt familiar with the details of the situation, we ask you to consider the following points:

- 1) **Historic architecture:** from the details contained in the newspaper reports and provided by the Forum for a Better Hyderabad, it is clear that the HGA has engaged in numerous violations of its lease agreement and the Ancient Monuments and Archaeological Sites and Remains Act, 1958, including making alterations to the moat walls outside the fort to create ease of access for its members while moving from the greens outside the walls to the Naya Qila extension. In addition, within the walls of the Naya Qila area are two very important mosques from the early Qutb Shahi period. The mosques of Mustafa Khan and Mullah Khiyali, both built during the reign of Ibrahim Qutb Shah (AD 1550-1580) are rare examples of architecture in the 16th century in Hyderabad that can be dated by inscription. They are also well-preserved, and require monitoring and

protection to maintain this state. Construction and increased traffic without a plan for preserving and protecting them will lead to further damage. A pavilion that appears to be from the early Nizam period is also found within the Naya Qila, and should also be protected.

- 2) Site integrity: additional violations of the HGA's lease agreement include the unsupervised nighttime use of heavy equipment to destroy portions of the fort area, including around the graveyard at Mustafa Khan's mosque, and not respecting the 100 meter boundary from existing structures. As the Naya Qila has neither been formally excavated by archaeologists, nor subject to the modern building found in most of the Outer Fort at Golconda, it likely retains greater site integrity than most other areas of the fort, and should be protected from further development for this reason alone. At the very least, no area should be subject to sub-surface disturbances without first being examined by qualified archaeologists to determine if the area has been previously disturbed and if the sub-surface remains are likely to be culturally significant.
- 3) Tourism: the ASI has been attempting for several years to have Golconda Fort recognized by UNESCO as a World Heritage site. The latter has not done so, primarily due to the inability to secure the integrity of the site due to urban growth and unauthorized encroachment. Allowing the golf course in the Naya Qila area provides another reason for rejecting the application. The World Heritage designation would provide a boost for Hyderabad's tourism, drawing visitors globally to the site. The very absence of urban growth in the Naya Qila makes it a perfect area for further tourism development, in addition to the Inner Fort and the Qutb Shahi tombs. The walls themselves tell the story of Abdullah Qutb Shah's efforts to resist the Mughal forces under Aurangzeb in the mid-17th century, but the two mosques remind us of the previous century, in the early days of Golconda, where these mosques were likely near the

roads that led out of the city or as a refuge from the city's congestion. The golf course currently obstructs access to these monuments, and despite initial assurances by the HGA that non-members would be permitted access to the mosques, posted signs, fencing, and security measures suggest otherwise and indicate an exclusivity for HGA members that is incompatible with the larger tourism objectives of the ASI and APTDC.

Revoking the lease of the HGA, as well as recognizing the significance of the Naya Qila and creating a plan for its management and development are steps that can and should be taken for the sake of this site, and also as evidence to the concerned citizens of Hyderabad that your organizations are committed to the maintenance of Hyderabad's cultural heritage for the future of its citizens, and people around the world who also value it, as well as those who have not yet learned of it. As foreign scholars who have been granted the privilege of working in India and have enjoyed Golconda Fort and the cultural heritage of Hyderabad in general, we too are committed to this goal and ready to assist. But we need you to take the critical steps at the local level, and saving the Naya Qila should be next.

Respectfully,

Robert Simpkins
Department of Anthropology
San Jose State University
1 Washington Square
San Jose, CA 95192

Phillip B. Wagoner
Professor of Art History and Archaeology
Department of Art and Art History
283 Washington Terrace, Wesleyan University
Middletown, CT 06459-0442

Omar Khalidi
Aga Khan Program Librarian
Massachusetts Institute of Technology
MIT 7-238
Cambridge, MA 02139

Marika Sardar
Research Associate
Department of Islamic Art
Metropolitan Museum of Art
New York, NY

Dr. G.C. Kruijtzter
Deccan historian
Beeklaan 326
2562 AW Den Haag
The Netherlands

Laura S. Weinstein
Doctoral Candidate
Department of Art History and Archaeology
Columbia University
New York, NY

Mr. Mark Brand
PhD Student, St John's College,
Cambridge University
29 Langham House Close
Richmond
Surrey TW10 7JE
United Kingdom



UNESCO Office in New Delhi

United Nations
Educational, Scientific and
Cultural Organization

Mr. K. N. Shrivastava
Director General
Archaeological Survey of India
Janpath
New Delhi – 110011
Ph: 23013574
Fax: 23019487

13 May, 2009

Ref.: 4074/2009/DIR/NB

Subject: **Golconda Fort**

Dear Mr Shrivastava,

The UNESCO New Delhi Office has received information concerning negative impact of an adjacent golf course on the monument area of the Golconda Fort, Hyderabad. The problems mentioned include:

- Construction of a Club House in Jamali Kunta area outside the fort walls, but within the prohibited distance of 10 metres prescribed for the protection of the ASI monuments.
- Alteration of the actual fort walls, to make an entrance which enables to link up the golf course outside the walls with the area inside the walls.

Since the Golconda Fort is on the World Heritage Tentative List we are concerned about the recent developments and would be grateful if you could provide the UNESCO New Delhi Office, with information on the above mentioned issues, and the related initiatives of the ASI, the state and local government to protect the Fort and its surroundings.

I thank you for your kind information and for your continued support in the implementation of the World Heritage Convention.

Yours sincerely,

Dr. Warren L. Mellor
Director a.i. and UNESCO Representative
For Bhutan, India, Maldives and Sri Lanka

B-529, Safdarjung Enclave
New Delhi 110 029, India
Tel : 91 11 26713000
Fax : 91 11 26713001/2
Email : newdelhi@unesco.org
<http://www.unesco.org/newdelhi>

Pleas taken for the golf course

A protection against encroachment ?

It is argued that the golf course will act as a buffer against encroachment widely taking place in the Fort area. We are against encroachment but we are talking of the 50 acres of open land in the Nayaqila area inside the fort walls where, to our knowledge, no encroachment by the public has taken place. Besides, the state government has its own laws and mechanism to prevent and undo encroachments, and they have done so in many cases. Why can't they do so in respect of the fort area? The golf course, which will restrict the movement of tourists and ordinary persons inside the Nayaqila area, constitutes a more serious encroachment as a threat to the site integrity of the Monument. To prevent small encroachments, the authorities are inviting bigger and threatening intrusions by the golf course project. HGA has already built a club house and also asked for additions - a 5 star hotel may be waiting in the pipeline! Promotion of real estate may not be far behind!

A power point presentation (PPP) is in circulation which shows encroachments in the Fort area, constructions on the Fort wall, and suggests that a golf course is the only way to prevent such encroachments. How, when all these encroachments are outside the area of the proposed golf course? These encroachments need to be taken up by the administration separately under the law. The PPP tries to misguide and some photographs are misleading.

Jamalikutna area was earlier a dumping ground and the golf association has cleaned and greened the place?

Again, is that the only way to prevent dumping of garbage, when there are laws and mechanisms to

prevent such dumping? Now that the dumping has ceased, it only shows that an alternative solution was quite possible which was not resorted to by the authorities then. Why? Further, has anybody explored whether, and to what extent, water bodies in that area were filled up for "greening"? Further, why did HGA, for the alleged beneficial objective, have to construct their club house in that area within the prohibited area for construction?

HGA pleads that their purpose is not engaging in commercial activity but to promote golf at cheap cost. Let us see how cheap. Their web site reveals : six months' temporary membership - Rs 50000/-; Permanent membership for an individual - Rs, 5 lacs; Corporate membership for each person - Rs. 10 lakhs. Cheap indeed! While the annual rental per acre payable by them is Re 1/. only! Of course, they have a liberal provision for offering membership to present and past officials of the governments. We are not objecting to the scale of fees, because a golf course is expensive to maintain, but why this pretence about promoting non-commercial enterprise of cheap golf?

Our demands:

In the aforesaid circumstances, the civil society groups have placed the following demands, which were reiterated to ASI , you during their officials' visit from New Delhi :

- No golf course in the Naya qila area of the Golconda Fort and the protected areas of the Golconda fort Monument should be allowed.
- Damages to structures, changes in contours, breakage of moat or Fort wall, and all other damages must be restored. All further changes made by the HGA or APTDCL or GHMC or

HMWS & SB and any other authority must be reversed.

- Demolition of all illegal structures in the protected areas of the Fort, as stated in item no (i) of the Attachment no 1, namely: the Club House building falling within the prohibited area from the rampart wall of the Golconda fort; a small permanent building for security personnel; a wall along the road separating the Jamalikunta area of the golf course; and a fence around the golf course within the Naya Qila area . These are all within 100 metres of the Fort as defined in ASI notifications. Thus the provisions of Article 19(1) of the Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1958 have been violated. We request ASI to invoke Article 19(2) of the Act, which provides for removal of such building under an order of the Central government.
- Free access restored to the citizens especially the tourists and the local people to all the areas of ancient heritage structure.
- Immediate cancellation of the in- principle, conditional consent given in ASI letter no F.No. 26/16/98-M dated 29.11.2001, which has not yet been finalized and vetted by Union Ministry of Law.

The petition to the Hon'ble High Court in PIL no 24623 of 2008 prayed that the High Court may please issue a writ , order or direction ... declaring the action of the respondents Nos 1 to 6 (namely, ASI, New Delhi, ASI, Hyderabad Circle, Secretary to Youth Advancement, Tourism & Cultural Department, Government of A. P., APTDC, Collector & District Magistrate, Hyderabad, Commissioner of Police (CP), Hyderabad, and H.G.A.) in allotting

the land in and around Golconda Fort in favour of HGA and not stopping the work and the developmental activities including leveling of land etc., taken up by HGA in and around Golconda Fort especially the Naya Qila and the moat at Jamali Kunta as illegal and unconstitutional and consequently direct the respondents to restore the area to the pristine glory and restore the access to the citizens especially the tourists and the local people to all the areas of ancient heritage structure after directing the respondents to take back the land given to HGA.

An earlier Judgment of the A.P. High Court. W.P. no 7631 of 2002

It may be noted that on an earlier occasion, after the Hyderabad flood of 2000, the erstwhile Municipal Corporation of Hyderabad (MCH) had cut a part of the fort wall, which was in a dilapidated condition, to provide Storm Water Drain in the interest and safety of the people living in and around the Fort, a purportedly public purpose. Nevertheless, the Hon'ble High Court, in the W.P. no 7631 of 2002 , gave a direction to the then MCH, that the wall must be restored as it was with the old glory and it was restored under the supervision of ASI officials. It will be a national shame if, for the private use of a handful few, the Golconda Fort, a national monument of immense historical and architectural importance, is allowed to be denuded of its environs, defaced and damaged.

Dr. M. Mandal

Member, Forum For A Better Hyderabad

01.07.09

printed and published by M.Vedakumar, President, Forum For A Better Hyderabad,
"CHANDRAM" 490, Street No. 11, Himayatnagar, Hyderabad-500 029
Tel.No. +91-040-27636214 ; Fax: 040-27635644 E-mail: betterhyd@yahoo.co.in
Website: www.hyderabadgreens.org