

NAYA QILA



GOLCONDA FORT IS UNDER THREAT FROM A GOLF COURSE

HISTORICAL MAP OF GOLCONDA FORT

(CIRCA 924-1099 A.H. / 1518- 1687 A.D.)



Drawn by : Ibrahim M.W. 2005

FORUM FOR A BETTER HYDERABAD
JANUARY, 2013

Hyderabad golf course a threat to Naya Qila and its surrounding areas

Alternative location for golf course needed.

- On cover page : Historical map of Golconda Fort as in the previous booklet.
- Inside cover page : Forum For A Better Hyderabad has earlier brought out two booklets, one in July 2009, and another booklet in September 2012. The latter was specifically addressed to Delegates of COP 11 to decline the invitation to a golf tournament at Hyderabad golf course as the latter was detrimental to heritage in Naya Qila, and its environment. We now bring out a booklet which is more comprehensive, for the civil society groups, the government, the general public and may be of even academic interest.

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Writer of the booklet

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About the Forum For A Better Hyderabad

The FORUM is functioning from 2002. It is focussed on issues pertaining to :

Sustainable Development by highlighting the ecological and environmental problems caused by uncaring and unthinking developmental activities disregarding required prior assessment : Urban Planning, Development and Management: Traffic & Transportation: Air Pollution: Heritage Conservation : Lakes & Water Bodies: Parks, Forests and Open Space : Solid & Industrial Waste Management: Right to Information.

The FORUM is functioning through various sub-committees, and networking with NGOs.

Contents of the Booklet

- Chapter 1 : Introduction to Naya Qila And our core objection to a golf course in Naya Qila.
- Chapter 2 : Genesis of golf course project and Regulations governing it.
- Chapter 3 : Relevant maps at Annexure 2
- Chapter 4 : Relevant provisions of MOU & AM & ASR Act which have been violated. Relevant A.P. High Court orders.
- Chapter 5 : Major violations.
- Chapter 6 : Other parts of the golf course : Inappropriateness.
- Chapter 7 : Conclusion
- Annexure 1 : Laws governing construction of the golf course.
A copy of the Deed Of Licence allocating land and MoU
- Annexure 2 : Maps
- Annexure 3 : Photos

Chapter I

Introduction to Naya Qila and our core objection to a golf course.

Introduction.

The Naya Qila or “new fort” is on a hillock North-East of the main citadel.

Naya Qila Fort was built by Abdullah Qutb Shah.

Abdulla Qutub Shah ruled from 1626 to 1672. He succeeded Sultan Mohammed Qutub Shah who reigned from 1612 to 1626. In 1636 the Mughals first succeeded in making Golconda a vassal. Even during this confrontation which was led by Aurangzeb who was then a prince and in charge of Mughal Deccan, the forces of Delhi reached no further than Hussain Sagar where they camped and carried out raids on the city of Hyderabad and the fort, before a treaty was concluded. The entire Naya qila area as we know it today was outside the fort wall in 1656 when Aurangzeb, laid siege to the fort using the hillock which now lies within the Naya Qila close to the Mustafa Khan Mosque as a vantage point to mount his cannon. After hostilities ceased, Abdullah ordered enclosing this area within the fort by creating an adjunct. He built such strong and formidable bastions to protect it that the Mughals, during their

second invasion, avoided it completely and attacked from the south. Earlier, in the time of Sultan Mohammed Qutub Shah, old and weak defenses including the wall to the north eastern side (which now divides the old fort and Naya qila) were repaired and strengthened. It may however be noted that the area within the fortifications of the Naya qila was not free from settlement prior to its enclosure, as indicated by the Mulla Khayali mosque which dates from the earlier period.

In the Naya Qila, the most fascinating section, besides the burz, is the Baradari at the head of a number of pools and fountains. The Qutub Shahi gardens occupy twenty eight acres land, one of the few surviving Persian Gardens. Masjid-e-Mullah Khayali and Mustafa Khan mosques are situated within the Naya Qila. Masjid-e-Mullah Khayali was constructed in 1580 by Mullah Khayali, who was a poet laureate, close to the famous Baobab tree "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, Asaf Jah II, was a frequent visitor here. Mustafa Khan's Mosque, a massive structure is situated opposite the Bahmani burj, in the Naya Qila. It has a high plinth and the plan of a court and prayer hall. They together measure 120 ft. north to south, and 130 ft east to west. The prayer hall is 42 ft.. and 26 ft. It has a vaulted roof which contains six domes arranged in two rows. The façade has three arched openings, each measuring 14 ft. 6" in height and 10 ft.6" in span. The mihrab is built of horn-blend and carved beautifully. It has text from the Quran. Entrance to the mosque from the south in the wall enclosing the court has an inscription dated.969/1560.

Mulla Khayali's Mosque: This mosque is situated between jallad burj and Anankob Burj. It has a very high, plinth, about 10 ft. higher than the ground level. It is approached by a flight

of steps, located in the southern side. The façade has three arched ways with stucco decorations in the spandrels. The prayer hall measures 30 ft. and 14 ft. The Mihrab in the centre has an inscription written by well known calligraphist, Muhammad bin Syed Sadruddin.

Traces of colour designs and calligraphic decoration are found. The corners of the mosque has minarets of Qutub Shahi style. Below the court yard is a row of vaulted rooms with 13 arched openings. The stone at the entrance has the date of construction by Mulla Khayalli during the reign of Ibrahim Qutub Shah.

Naya Qila fort an integral part of the Golconda fort – Notifications:

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. In the proposal /consultant’s report submitted by the government of Andhra Pradesh to ICOMOS , who visited Hyderabad in November 2012, for the recognition of Charminar, Golconda Fort and Qutub Shahi Tombs, the Naya Qila area of Golconda Fort has been

designated as a “Buffer Zone”. We met the representative of ICOMOS team and advised and brought to his notice the aforesaid notification no 3/1/85 dated 5th August 1985 and that as such declaring the Naya Qila as a buffer zone is a gross misrepresentation of facts.

Our Core Objection to locating a golf course in NayaQila Fort:

Conceptually, the golf course in NQ part of the Fort is an ill-conceived project.

Considering the terrain of the area and the division of various parts of the golf course from Naya Qila Fort by moat walls, moats - necessitating cutting , filling up ; digging beyond one foot for non-agriculture purposes for sand pits, digging and construction for laying pipes beneath soil for channeling etc. ; the laying of a golf course cannot comply with the requirements under the MOU and AM & ASR Act 2010 (which incorporated the Act of 1958) . It was wrong on the part of ASI and State Tourism to permit a golf course in NayaQila Fort. Laying golf course in Naya Qila without violations of heritage laws is like the task of fixing a square peg in a round hole.

Mustafa Khan, and Mulla Khayali mosques show that Naya Qila was well inhabited. That is how coins and artifacts were found beneath while dipping the soil by the golf club. Century-old grave yards were also dug up by the golf club. All these are on record. During the recent ‘digging (17.2.11) of pits near Mustafa Khan mosque for ‘scientific clearance work’, broken parts of earthen vessels, etc., were found. Naya Qila’s strategic distinction as a heritage site lies in its site integrity. The area is unexplored. But past discoveries while digging by the golf course show high probability of the area’s containing many heritages underneath.

We quote from a report from several foreign scholars :

“As the NayaQila 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.

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. 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 NayaQila 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 NayaQila makes it a perfect area for further tourism development, in addition to the Inner Fort and the QutbShahi tombs. The walls themselves tell the story of Abdullah Qutub 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. 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 NayaQila 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 NayaQila should be next.”

Heritage Conservation Committee , on a reference made to them, decided in HCC 117th meeting held on 23.2.12 , as follows:

What is involved in laying the Golf Course is a major developmental activity and the Heritage Conservation Committee is not in favour of Golf Course inside or adjacent to the Heritage precinct of Golconda. In any case, the Committee is of the view that no lay out is to be sanctioned or to be allowed within 30 metres from the boundary walls of Golconda Fort Precinct.”

The golf course project is not simply grassing, as it is made out to be by the Tourism department.

Naya Qila’s heritages, terrain, contour are thus irreconcilable with a golf course. No amount of adjustment, NO MOU, however rigorous, can save the heritages of the Naya Qila if a golf course is permitted thereat. The failure to implement the MOU by the authorities only adds to the chaos. Therefore, no settlement re the presence of a golf course in Naya Qila is possible , without shifting the golf course.

Chapter 2

Genesis of the Golf course & the Regulations governing it :

Genesis

The original proposal of a Bird sanctuary, was replaced by a golf course project. A draft MOU between the Archaeological Survey of India (ASI), New Delhi and the Government of Andhra Pradesh (GOAP) represented by the Secretary, YAT & C, GOAP, dated December 2001, as an-principle agreement was sent by ASI, New Delhi .

It was finalized and signed only in annexure form on 23.9.2009. The golf course project, however, commenced work in 2002, on basis of a Deed Of Licence (DOL) dated February 6, 2002 . The Deed of licence and the MOU of September 2009 are at Annexure 1.

The golf course was not a public purpose project, and farmers' lands requisitioned for the Bird Sanctuary, a public purpose project, were transferred to it.

“Construction of a golf course ... by the Andhra Pradesh Tourism Department”, as stated by the GOAP, is not a correct statement of position. The parties are as follows:

Government of Andhra Pradesh (GOAP) is, and continues to be, the owner of the land: the GOAP has handed over the land to the Andhra Pradesh Tourism Development Corporation Ltd (APTDC), the Licensor ; the GOAP through A.P.Tourism Development Corporation (APTDC) has licensed the said land to the Hyderabad Golf Association (HGA), the Licensee, to establish and run an International Standard Golf Course. These arrangements, as mentioned before, are as per a DEED of Licence (DOL) between the APTDC and the HGA. The lease and the MoU under the DOL is for a period of 50 years with a right of option to the Licensor to renew the same for a further period of corresponding to the period of extension of the lease to be sanctioned by the GOAP in favour of the Licensor (APTDC) on such other conditions as may be mutually agreed upon. The lease rent is Re 1/- per acre annually.

The position, therefore, is more in the nature of BOT contract.

Although the provisions of both MOUs stated the precondition of an ASI-approved layout of the golf course, and within the existing contours of the Fort , the lay out map was approved and given to us, vide ASI letter dated 23.7.2010 of ASI, Hyderabad . and the contour map taken on 7.12.2010 was approved by ASI and sent to us only under their letter dt 11.10.2011 ! ***Absence of a signed MOU, an approved lay out map of golf course, and an approved contour map, did not, however, hinder the construction of the golf course meanwhile.*** No room for back reference to contours, the core principle of permission for golf course construction, prior to 2002 when the area was handed over to Hyderabad Golf Association, was thus left to judge whether contours have been changed since. Our repeated requests to refer to National Remote Sensing Agency, which

has an office at Hyderabad, to capture the disturbances in soil in the recent past to give an idea of the earlier contours, went unheeded.

The Regulations governing the Hyderabad golf course.

Apart from the MOU and the DOL, the over-riding laws and regulations governing the golf course were the Archaeological Monuments and Archaeological Sites & Remains (Amendment) Act 2010, effective from 23.1.2010. The AM & ASR (Amendment) Act 2010 incorporates the provisions of the AM & ASR Act 1958, with amendments and additions. It lays provisions for ratification or otherwise for certain actions taken under the earlier Act (s), not permitted under the new Act; but no act done after the Amended Act came into force is coverable under such provisions. Any MOU, and any action taken by any one as per the MOU are subject to the overriding Acts and the Rules thereunder; this, too, has been incorporated in the MOU itself.

The copy of the DOL and the relevant provisions of the AM & ASR (Amendment) Act 2010 are at Annexure 1.

There are also some Notifications by ASI, New Delhi re the Golconda Fort, which include Naya Qila, and protect and override any agreement between parties. For these, please see under **“Naya Qila an integral part of the Golconda Fort”**.

Chapter 3

The relevant maps. PLEASE SEE ANNEXURE 2.

Water bodies of Naya Qila:

In a letter no C/818/2010 dated 30.11.2010, Office of the Tahsildar, Golconda Mandal wrote to the Revenue Divisional Officer, Hyderabad Division, Hyderabad :

There are two water bodies in Golconda Mandal. One is Langar House tank in Sy no.171 of Langar House village, with an extent of 35-15 gts. The same is allotted to HUDA for development of HUDA park.

The second water body is also in the name of Langar House tank in Sy no 34 in Naya Qila area of Quli Mohammednagar village . As per Pahani 1966-67 an extent of the tank is recorded as Ac 7-23 gts. After Town survey in 1976, this serial no is recorded as Langar House Tank against T.S. no 33, Block B, ward no 17 with an extent of 29064 sq metres i.e., Ac 7-07 gts and the remaining extent of Sy no 34 is recorded as road in TS no 39, Block B, Wrd no 17, i.e., nearly Ac 0-16 gts.

Further it is submitted that there is no water body present or existing in Golconda mahal in the name of Naya Qila Talab.

Sd/- Tehsildar, Golconda Mandal

NB: Langar House tank is popularly known as Naya Qila Talab.

Chapter 4

Relevant provisions of : the MOU (Full text minus these provisions at Annexure 1) **And the AM & ASR (Amendment) Act 2010; the Court orders, which have been violated and to which reference is made under “Violations”.**

Art 2 : “The GOAP shall ensure that public access to the monuments within NayaQila including the mosque viz., Mullah 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 NayaQila and its monuments. The security at the main entry point of the NayaQila area would be provided by the ASI.

Art 4 : The GOAP shall ensure that the development of the Golf Course by the HGA, in the NayaQila is along the existing contours of the land and that all development works, Landscaping, etc., relating to the Golf Course shall strictly be as per the provisions of the Ancient Monuments & Archaeological Sites & Remains (AMASR) Act, 1958, and Rules.1959 and 1992. The GOAP and the HGA shall not violate any provisions of the AMASR Act, 1958 and Rules made there under.

Our note : Now AM & ASR (Amendment) Act 2010 supersedes the earlier Acts and incorporates parts of it under the Act 2010.

Art 5 : The GOAP shall landscape the land comprising of about 10 acres on the right of the present entry as per the original layout plans of a Qutub Shahi garden according to the records available with the Hyderabad Circle of ASI and by exposing the ancient structures, if any, under the strict supervision of and consultation with ASI. This area shall be demarcated aesthetically and not utilized for the Golf Course.

MOU Art 6: The GOAP shall ensure that no new structure comes up or mining is undertaken within 100 meters from the rampart walls both within and outside the NayaQila Even in regard to constructions within 200mts further beyond the prohibited area. The GOAP as well as HGA shall not undertake any construction or mining without obtaining prior permission of ASI.

Art 7 : The GOAP agrees to maintain and undertake conservation of the monuments within the NayaQila complex for which a project shall be formulated for execution in a phased manner, in consultation with the ASI.

Art 8 : The GOAP shall ensure that the layout plan of the entire Golf Course including the completed portion, both within the fort walls and outside, is submitted to the ASI by Hyderabad Golf Association for its approval *before* commencement of any further work.

Art 9 : Keeping in view the archaeological potential of the areas inside NayaQila, ASI, shall as and when it is felt necessary, and if required, carry out scientific clearance operations to expose the buried structures beneath the earth, prior to the

landscaping of the Golf Course.

Art 10: The GOAP shall ensure that the ongoing activities which are taken up by the Hyderabad Golf Association shall henceforth be carried out as per the layout plan submitted to ASI and strictly in consultation with and as per the advice of the ASI.

Art 11: The GOAP shall ensure that the Hyderabad Golf Association furnishes the action plan pertaining to the golf course developmental activities proposed to be taken up in the NayaQila area to the ASI and the work is executed strictly in consultation with and as per the advice of the ASI.

Art 15 : The GOAP shall ensure that the water bodies and natural feature within NayaQila are kept well preserved and nothing is done to cause any physical damage to them including their aesthetic character.

AM & ASR Act (1958) and AM & ASR (Amendment) Act 2010 which incorporates the former Act

20.2 (dc) “Construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally,but does not include any reconstruction, repair, and renovation of an existing or construction of facilities for the public.

Section 19 : (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 utilize 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 any 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.

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.

The A. P. High Court orders:

The Peoples Union For Civic Action & Rights or PUCAAR and the Forum For A Better Hyderabad) filed PIL no 24623 with A.P. High Court by, praying that the High Court may please declare the action of the Archaeological Survey of India (ASI), New Delhi; ASI, Hyderabad Circle; Secretary to Youth Advancement, Tourism & Cultural Department, Government of A. P (YAT & C, GOAP); Andhra Pradesh Tourism Development Corporation Limited (APTDC); Collector & District Magistrate, Hyderabad; Commissioner of Police(CP),Hyderabad; and Hyderabad Golf Association (HGA), 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.

As violations continued with impunity, the High Court

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. This position continued till 8.6.10.

Meanwhile, the Hyderabad golf association wanted the stay to be vacated. The Court refused. On 8.6.2010, the Court ordered to be allowed “ the grassing of the area of course under the supervision of the authorities to ensure that the contours are not changed”. On 22.10.2009, we had filed another petition to the Hon’ble Court, by way of miscellaneous petition, challenging the MOU dt 23.9.2009 , and praying for it to be set aside.

The main case is awaiting final adjudication.

Meanwhile, several cases were filed relating to specific violations and issues. W.P. 16294/11 : The case was filed to protect Bagh –Naya Qila (called Qutb Shai Bagh in the MOU) in Naya Qila fort. Its area was shown as 10 acres in the MOU; but we found out the area was actually about 28 acres, by reference to published documents, maps. A map was also found with ASI, Hyderabad Circle, on our search under the Right to Information Act 2005 , which showed the area as about 28 acres. Till such time, ASI was all along denying the existence of any map with them ! The bench ordered to demarcate the gardens and recorded undertaking that no work will be taken up in the disputed area.

Meanwhile, ASI has stopped all work of the golf club in the area marked by us and it is kept out of bounds for the golf course. The area, however, has not yet been demarcated. Thus, hitherto part of the QSB had been allocated to the golf course and shown as part of the approved lay out of the golf course, where the latter laid some tees . This area has now been closed to the golf club. The demarcation nor the landscaping of QSB

has yet been done notwithstanding High Court's direction to ASI in the case filed by us wide W.P.No. 16294/11, 18-02-2012.

W.P. 29300/11 :

Changing contours near Mustafa Khan mosque and nearby graveyards in Revenue 40. A case was filed to demarcate the Wakf property in Naya Qila.

The W.P. was disposed of to the Wakf Board to demarcate the property. Strict orders were issued to the police and the authorities not to disturb the contours and to remove all machinery therefor .

A.P. High Court Order dt. 27-03-2012 in W.P. No. 29300 of 2011:

- a) The Hyderabad Golf Association shall not carry out any excavation while grassing the land in Survey No.40, Naya Quila, Golkonda.
- b) The Hyderabad Golf Association shall use manual labour for spreading the soil and grassing the area in Survey No.40 and the grassing shall be done as in the case of cultivation and in accordance with Section 19 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
- c) The Hyderabad Golf Association shall use the pre-existing paths/roads in the area to transport material like sand, irrigation pipes etc., required for grassing the area in Survey No.40, Naya Quila, Golkonda.
- e) No stones or any part of the structure of the Fort will be altered or effaced in any manner.

The Hon'ble Court further observed " 10. In our opinion, the walls of the Golconda Fort should also not be defaced in any manner."

PIL No. 276 of 2012

- The Greater Hyderabad Municipal Corporation (GHMC) had issued work order near the NayaQilaBagh at the request of ASI, Hyderabad; but digging was done in Qutb Shahi Garden area – using false boards of GHMC (a tactics almost identical to the fraudulent use of boards of HMW & SB in the case of “cutting a portion (10’x10’) of the Khandak wall (Moat wall)” – please see under Chapter 5, page 24. Police protection was extended under requisition by MD, APTDC at the request of HGA, - without THE FORMER caring to verify nature of the work, whether it was authorized or illegal – and channel cutting was resorted to from 1.8.11 when we reported the matter to all concerned authorities till 8.8.11; it was stopped only after the work was completed. Heavy machinery was used contrary to the express prohibition in the earlier case prohibiting the use of heavy duty machine inside Naya Qila and where the Court had categorically instructed to seize such machinery and vehicles in Survey no 40 case. A case was filed with the High Court under PIL No. 276 of 2012. The court by its order dt. 31.12.12, directed the Hyderabad City Police Commissioner to take necessary steps on the complaint filed by the GHMC on 9.8.12 before the Golconda Police Station, the charge sheet in respect of which was filed before the Additional Chief Metropolitan Magistrate, Nampally on 10.10.12. The court also directed the GHMC to restore the wrongly excavated area.

Chapter 5

Major Violations up to date

Supporting photos are at Annexure 3 . Each paragraph below gives the number of the relevant photo(s) . The referred articles of the MOU and the AMASR Act and the High Court orders are in Chapter 4.

The public access to visitors to the monuments in Naya Qila has been squeezed and severely restricted by the erection of fences along the golf course. Due to fencing, visitors cannot access to 13 burges, the Tope (cannon), watch tower, surangs, chabutra, water channels, etc. It does not give sufficient elbow room to visitors to photograph monuments from a distance. Further, the fencing corrupts ambience and character and the sky line of the area, which is also declared a heritage precinct. Also, travellers are exposed to the risk of being hit by a golf ball as the golf course boundary is very close to the pathway. The gates are manned by HGA guards; at places, HGA has erected gates under locking for their members only . These interfere with free access of visitors. These constitute violations of Art 2 of MOU: Also, the violation of 2(dc) of AMASR (Amendment) Act 2010 by ‘construction’ and of 19(1) by digging for non-agriculture purposes and beyond one foot. Certain areas have been left out of bounds in the passage (Picture 5)

There were numerous changes made in the contour. These constitute violations of Art 4 of MOU, the AMASR (Amendment) Act 2010 and High Court order dt 8.6.10 and other HC orders.

- There was no contour map for referral and the contour map was taken only on 7.12.2010, was approved by ASI ; thus the contour map does not capture changes made meanwhile by HGA from 2002. Authorities did not engage the services of the National Remote Sensing Agency, which has an office at Hyderabad, to capture the sub-soil disturbances after handing over to HGA ; nor was a provision incorporated in the MOU to restore the changes to their previous position, despite our repeated requests to ASI, Hyderabad and New Delhi. The contour map has many errors.
- To mention a few violations of the contour:
- Levelling and flattening the land at places; Breaking rocks, Heavy digging ; Cutting channels to lay pipes; Use of heavy machinery prohibited in a protected monument; all in the name of grassing and laying the golf course. **(pictures nos1,2)**
- Making passages along moat beds and drying up water therein ; **“cutting a portion (10’x10’) of the Khandak wall (Moat wall), making an underpassage from the existing golf course at Jamalikunta to NayaQila near the exit way, over which the road was laid, for golfers to enter NayaQila without crossing the surface road”**. An affidavit dated 24.11.08 filed by ASI, Hyderabad Circle to the AP High Court stated that the moat wall which was heritage property was removed by

JCB (a heavy machinery the use of which is prohibited in the Fort area) and trying to dismantle the rock by means of compressor over which the structure was laid, which may cause danger to the structure. Boards of the Hyderabad Metro Water Works & Sewerage Board were used to cover the work for laying pipes, which the latter denied. The moat wall was restored under a Court order with great delay but without the original materials which were removed. **(picture no 3,4)**

- Fixing a gate, which did not earlier exist, at a Surang leading to the NayaQila Fort area **(picture 6 & 6a)** and locking it only for passage of golfers; Building a staircase over the moat wall, for the descent of the golfers into the moat bed. Initially, a kucha stair case was made across the moat wall, later it was cemented, later removed on our protest, now made to a kutcha ramp to make it easy for golfers to walk down; the draining out of water drying the moat water, and laying a pathway for golfers to the Surang. into the Naya Qila golf course. There was no intervention by ASI, despite our repeated complaints to ASI, Hyderabad and to New Delhi. **(Picture nos 13 a,b,c,,d)**
- Sand pits were dug **(Picture 7)** and plans for further construction of sand pits exist in Annual reports of HGA, 2009-10 ;
- Channels were dug to lay pipes, and other diggings made, as in Qutb Shahi Garden area, for non-agriculture purposes and in excess of 1 foot. **(Picture No. 8)**
- Over-extending the meaning of “grassing” subject to no change of contour, permitted by the Court, to wrongly include digging, cutting channels, drawing water etc., etc.;

- Fencing along the road to Hathiankijhar within prohibited area of NayaQila, around the Majnu bridge near Mustafa Khan mosque, around the graveyards in Revenue 40, which is not “grassing”, violates 19(1) of the Act; is further prohibited by A.P High Court order in WP no 29300 dt 27.3.12 . Fencing done after 23.1.2010 in prohibited area, not being for public purpose, is also not ratifiable either. **(Picture No.9).**
- Dumping of hundreds of truckloads of mud and using heavy machinery for digging in the area adjacent to the Mustafa Khan mosque and the grave yards in survey no 40, which was stopped only by Court intervention; **(pictures no.10 a, b)**
- Excavating in Qutub Shahi Garden (Oct 1, to Oct 8, 2012) using false boards of GHMC - see page 21. **(picture 8a)**

Around 18.12.2012, the HGA started :

- Creating ramp by dumping truckloads of earth and boulders : Cut passage and laid pipes : Dug at the base near the Fort wall, bringing boulders : Made one larine on the passage and created an outlet therefor. These actions were not ‘grassing’, changed contours, violating the court order dt. 8.6.10. The shifting of stones from the base of the fort wall, apart from causing risk to the wall violated A.P. High Court Order in WRIT PETITION NO. 29300 OF 2011 : e) No stones or any part of the structure of the Fort will be altered or effaced in any manner. The Hon’ble Court further observed “10. In our opinion, the walls of the Golconda Fort should also not be defaced in any manner.” The works violated 19(1) of AM&ASR Act prohibiting digging for non-agriculture purposes and 20.2.

(dc) thereof prohibiting ‘construction’ Placement of one latrine and a security room on the passage for visitors further cramped the access of visitors to the Fort, violating art 2 of the MOU. The work was done without any supervision by ASI or APTDC, whereas the court order dt. 8.6.10 stipulated supervision. The work was, not stopped even when it was brought to their notice. No FIR or even a written complaint was lodged with the police by ASI or APTDC. **(pictures No. 14a - 14d)**

The lay out plan which was approved in 2009, much after work was vigorously progressing, was also defective in that the area of the Qutb Shahi garden was diminished therein as already mentioned, trees were shown in the Qutb Shahi Garden area and at Burges, the area of the golf course was extended up to the Fort Wall. **(pictures No.11,12)**. These constitute Violations of Arts 7 and 8 of the MOU.

Scientific clearance was not done prior to landscaping of the golf course. Scientific clearance was proposed by ASI much afterwards, only in a part near the Mustafa Khan mosque where the HGA wanted to lay its course. We wanted the entire area of Naya Qila Fort, including the area covered by the laid out golf course, be subjected to scientific clearance, as the whole area is unexplored, it was well-inhabited as evidenced by the presence of two fairly big mosques, and the potentials of the area indicated by the discovery of silver coins, artifacts while digging by the HGA for laying its course.

We raised under the Right to Information Act with ASI, Hyderabad, in paragraph 2 of our letter dt 18.2.11 : “ We observe from photograph no 3 that debris discovered from the dug-up area are kept in a karai type vessel. These were broken parts of earthen vessels, etc. Our persons on enquiry were told that

these were of no heritage value. Do you consider so? If yes, on what basis? How did such broken parts of vessels, etc come under layers of earth and found only when dug deeply? What could be the dates of such vessels? How did you ascertain this? What prevents you from storing such 'remains' for further full examination, properly sealed under Panchnama, till further detailed examination in a scientific manner?"

The reply given was no broken earthen vessels, etc were found during digging!

This constitutes Violation of Art 9 of the MOU.

What lies underground in the Nayaqila Fort area is unknown. The underground drainage system and hydrology of the area have not been studied. That is why, the MOU has provided in particular for clauses 7 and 9.

In a letter to the 3- Member Committee to ensure the compliance with the Court's interim direction dt 8.6.10, we have also, inter alia, asked for, in terms of clause 7 of the MOU :

- That all these monuments/archaeological structures need to be recorded, documented, e.g. remnants of ancient water management structures that are marked with yellow marks as of now by HGA....with unknown intent.
- Inventorisation of total artifacts, cannons, sculptures, fallen stones from the constructed structures and rampart wall, green cover, and any other constructed material above the ground should be recorded & and be maintained as per ASI norms.
- Mark all heritage structures and any other items as per the National Monuments Act by ASI.
- No defacement of heritage sites, and imageability of the

site from inner and outside Nayaqila should be protected.

No action has been taken on our request. Thus Articles 4 & 9 of MOU have been violated.

Water is being freely drawn in huge quantity from NayaQila Talab by pipes, for watering the golf course, a well has been filled up in survey No 40, NayaQila. This constitutes Violation of Art 15 of MOU :

Some other observations.

Demarcation of the golf course area :

The boundary of the golf course cannot be co-terminus with the boundary of the Naya Qila. There must be sufficient space between the two. There must be land for passage to the monuments, free space around the monuments, – the existing half acre around each mosque is grossly inadequate - service road along the Fort wall inside Naya Qila, apart from the 28 acres of Qutb Shahi garden.

Sufficient space for access to the monuments should be provided after the buffer area.

Alienation and transfer should be made to ASI, to earmark land for passage to the monuments, free space around the monuments and service road along the Fort wall inside Naya Qila, apart from the 28 acres of Qutb Shahi garden.

The demarcation by ASI does not take into consideration the moat which is an integral part of the fortification. Without the moat the design of fort defenses do not hold any meaning. The 100 metre demarcation should start after the moat.

Violations outside Naya Qila but within its prohibited areas :

Rocky area around the weir of Shah Hatem Talab (next to

Roshan Burj) was subjected to blasting on more than one occasion prior to August 6, 2009. Work on creation of a surplus weir at that site was going on under contract issued by GHMC since **January 2009**. The project has since been de facto abandoned but **without restoring the water body to its original state**. Scars of previous blasts on Fort wall near that area are visible even today. Even now, a deep pit due to such digging, measuring approximately 100 metres long, and 10 ft deep into the moat bed near Roshan burza fortification wall still remains. This is affecting the fortification wall. 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. (ASI, Hyderabad letter F.No. 11/2/HYD/GLX/2008-M/120 dt. 4.3.2009 to DG, ASI)

In fact, the moat between Jamali Darwaza and Banjara darwaza was filled up to make it part of Jamalikunta part of the golf course. It is not true to say that “ Except rainy season, water does not remain in the moat “. Water stays at these places all through. It is a substantive issue and must be redressed by invoking 19(1) and 19 (2) of AM & ASR Act 1958, which is incorporated in the 2010 (Amendment) Act.

Chapter 6

Other parts of the Golf course – inappropriateness.

Allocation of Sha Hatem Talab to HGA :

Allocation of an water body, an ancient lake, which is also totally unrelated to the activities of a golf club defies understanding. HGA has been permitted to build an office **inside** Shatam Talab on land adjoining the rocky mound inside the Talab. HGA has no expertise in management of water bodies nor in any water sports. We are not aware of any agreement with HGA for the maintenance of this ancient lake. No competitive bidding was invited for management of the lake, if the GOAP had intended to contract out its management.

Effect on bio-diversity :

Due to a recent incidence of fire, reportedly, some migratory birds have moved away from the area. It may be recalled that originally the NayaQila Fort area was planned to be a bird sanctuary which would indicate it as an abode of birds. The cause of the fire, which was in the golf course area covered with bushes, have not been investigated by ASI.

The use of pesticides, etc, water, about which ASI or Tourism has no knowledge, percolates to ground water polluting

it , and affects other farmers nearby.

Huge number of trees have been cut. The Forest Department has fined the Golf Association twice so far for such unauthorized felling.

Apologies for a golf course at Naya Qila examined:

Is Golf course in NayaQila a protection against encroachment ? HGA claims so. The fact is that NayaQila Fort has never been subject to encroachment. The encroachment is outside and on the Fort walls, which continue unabated, despite the golf course. HGA also propagates that it has cleaned and greened the Jamalikunta Area which earlier was used as a garbage dumping site by Hyderabad Municipal Corporation(HMC). This has been widely publicized. But, why was the place at all used as a dumping ground by the HMC ? If HMC can find an alternative place for dumping after the area was given over to HGA, why could they not do it then?

Jamalikunta , instead, can be developed as a beautiful water body, and its kuntas restored to original sizes , thereby making it a good breathing place for the public.

Issue of farmers' lands. Agriculture, was an integral part of the life and heritage of NayaQila Fort area. Farmers whose land was originally requisitioned for a public purpose 'Bird Sanctuary' project', was transferred for use of the golf course, which is not gazetted as a Public Purpose project. Farmers refuse to surrender their land and the compensation money is lying in a local court. The farmers have lost their livelihood.

Spirit of golf game :

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.

Chapter 7

Conclusion :

As already stated in the concluding paragraph of Chapter 1, there are fundamental, inherent, impediments to protecting the heritages of the Naya Qila Fort while laying a golf course, and no amount of rigour in drawing an MOU can serve the purpose. In the interest of all concerned, it is better for the GOAP and the HGA to shift the golf course to a spacious area, away from the city. A project may be drawn to promote the heritage of NayaQila Fort; jointly by the ASI, the Heritage Conservation Committee; Lake protection Authority (for the water bodies); and also involving local stakeholders / civil society bodies, etc. and with Tourism(YAT & C) as convener. Such a project would protect the Naya Qila Fort area and have considerable revenue-earning potentials, and would enhance the prospect of the site to be recognized as a World Heritage Site.

Annexures

Annexure 1 – Deed of License and MoU

Annexure 2 – Maps (Vide Chapter 3) .

- 1a. Golconda Survey Map, Archaeological buildings
- b. Historical map of Naya Qila-Nayeem,
- c. Survey block map – Golconda Fort
2. Qutub Shahi Garden
3. Proposed lay out plan of golf course, signed
4. Final lay out plan of golf course,
5. ASI Letter dt. 23.7.10 forwarding final layout plan of golf course
6. Contour map of Naya qila
7. ASI letter dt. 9.5.12 forwarding maps.
8. Land allotted to golf course - Total.
9. Land allotted to golf course at Naya Qila, govt. & private.

Annexure 3 - Photographs showing violations mentioned in chapter 5.

Annexure: 1

Deed of License and MoU

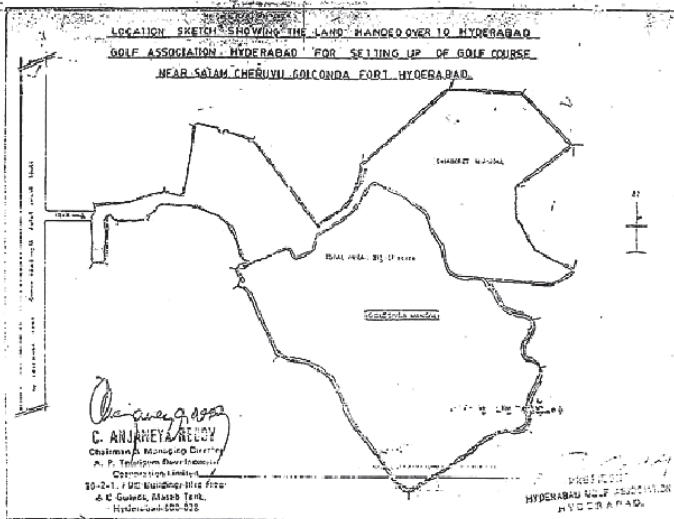
- the Deed of licence of February 2002;
- MOU of 23rd September 2009, with a reference to the additions / changes made to the December draft MOU (Minus clauses 2, 4, 5, 6, 7, 8, 9, 15 referred to under Violations);

Deed of license

Deed of licence 6.2.2002

Quilla Mohd Nagar – Dumping ground – Jamalikunta	17.36
Quilla Mohd Nagar – Dumping ground – Jamalikunta	17.36
Jamalikunta –	13.32
Shatam Cheruvu –	76.30
Jamalikunta –	13.32
Shatam Cheruvu –	76.30
Total	212.17

Map showing allocation of land
vid. Deed of Gift dated 6.2.2002



Memorandum of Understanding (MoU) is entered into on this 23rd Day of September, 2009. [**Clauses 2, 4, 5 – 11, 15 are in chapter 4**]

By and between

President of India, represented by the Director General, Archaeological Survey of India (ASI) having its office at Janpath, New Delhi – 110011 (hereinafter referred to as 'ASI' which expression shall mean and include the successors in office and or interests) of the one part.

AND

Governor of Andhra Pradesh, represented by the Secretary, Department of Youth Advancement, Tourism & Cultural (YAT & C), Government of Andhra Pradesh (hereinafter referred to

as 'GOAP'), having its office at Block A, 3rd Floor, AP Secretariat, Hyderabad – 500 022 which expression shall mean and include the successors in office and or interests) of the other part.

Whereas, the Department of YAT&C proposes to develop an 18 hole Golf Course of International Standards for the purpose of promoting tourism in and around Hyderabad.

Whereas, the Department of YAT&C has identified a site, comprising of about 180 acres of land, belonging to them in the vicinity of the Golconda Fort which is found suitable for the development of the Golf Course.

Whereas part of the site, situated within 'Naya Qila' is an archaeological site necessitating the approval of the ASI as to conditions governing its use.

Whereas the GOAP through A.P.Tourism Development Corporation (APTDC) has licensed the said land to the Hyderabad Golf Association (HGA) to establish and run an International Standard Golf Course vide agreement dated February 6th 2002.

Whereas, the Department of YAT&C has made an application to the ASI seeking its approval for use of the land belonging to the State Government and situated within 'Naya Qila'.

Whereas the ASI has through its Letter no. F.No.26/16/98-M dated 29.11.2001, addressed to the Department of YAT&C, indicated its approval, in principle to the use of the land within 'Naya Qila' for the purpose of setting up a Golf Course, subject to the observance of certain conditions by the State Government.

Now, Therefore, The Parties Hereby Record Their Understaning As Follows:

1. The GOAP or its agent shall continue to hold the ownership of the entire land proposed to be used for the Golf Course and they shall be under the management of the Golf Course.
3. The GOAP as well as the HGA shall not levy any entry fee for access to the monuments located within Naya Qila.
12. It is agreed between the parties that this MOU shall be governed by and construed in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and Rules. The place of Arbitration shall be _____ as decided by the parties to the MOU.
13. It is agreed between the parties that each party shall be responsible for its own acts & omissions (including those of its employees and agents.) Neither party will have the authority nor will purport to act for or legally bind, the other party in any transaction with a third party except as agreed in writing by the Parties.
14. Any notice or communication to be given or served pursuant to this MOU shall be in writing and shall be sent by registered post or facsimile transmission to the address of the Parties as given above and marked to the attention of the signatories to this MOU.

Department of Youth Advancement, Tourism & Culture
(YAT&C), Government of Andhra Pradesh .

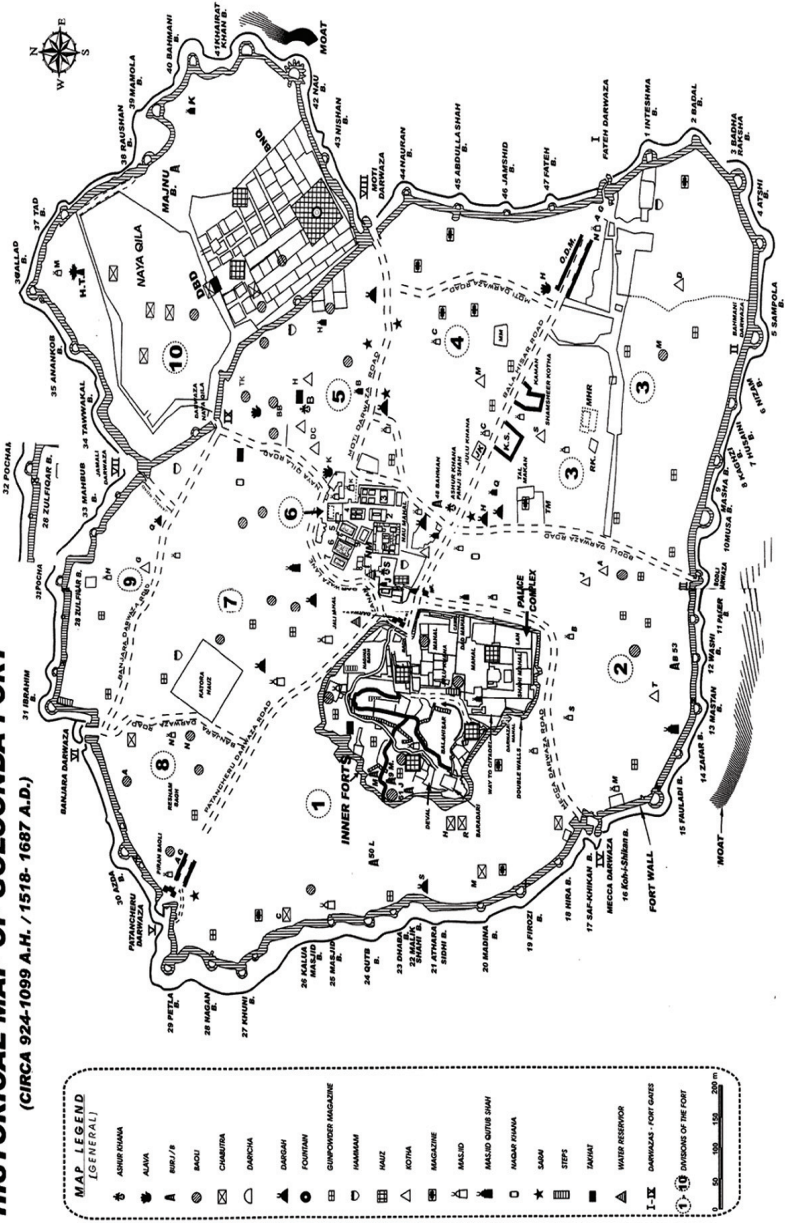
Annexure: 2

1a. Golconda Survey Map, Archaeological buildings



b. Historical map of Naya Qila-Nayeem

HISTORICAL MAP OF GOLCONDA FORT
(CIRCA 924-1099 A.H. / 1518 - 1687 A.D.)





2. Qutub Shahi Garden

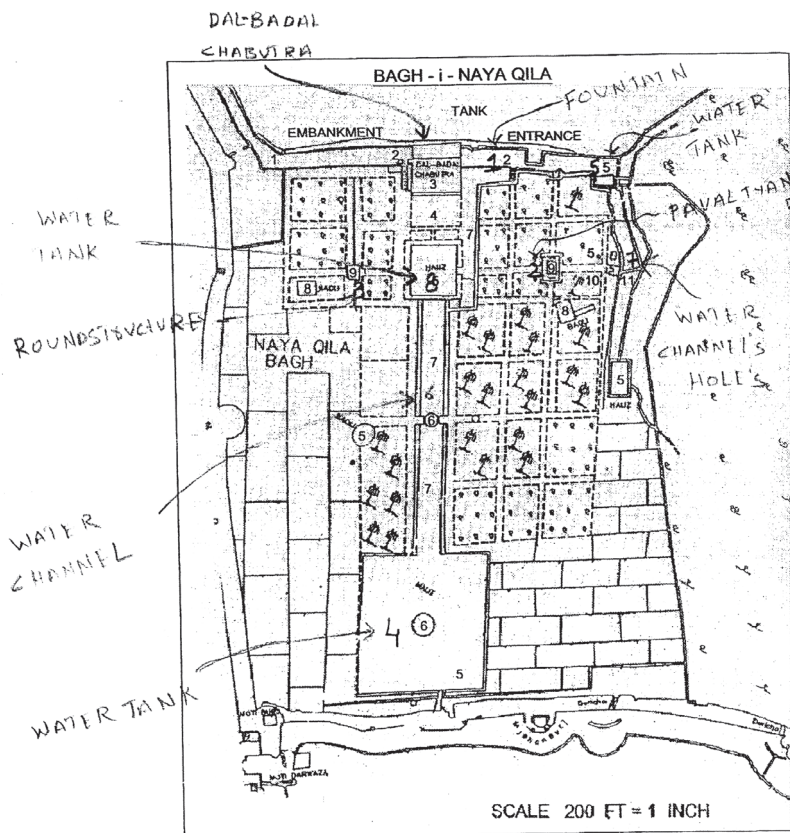
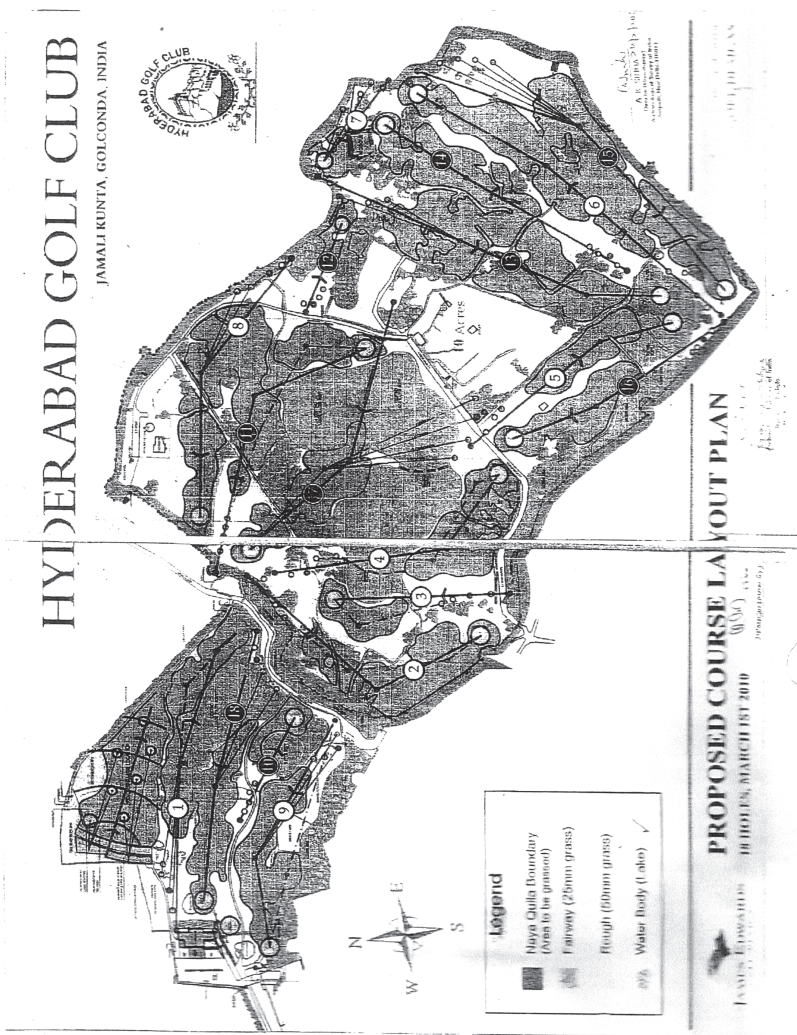
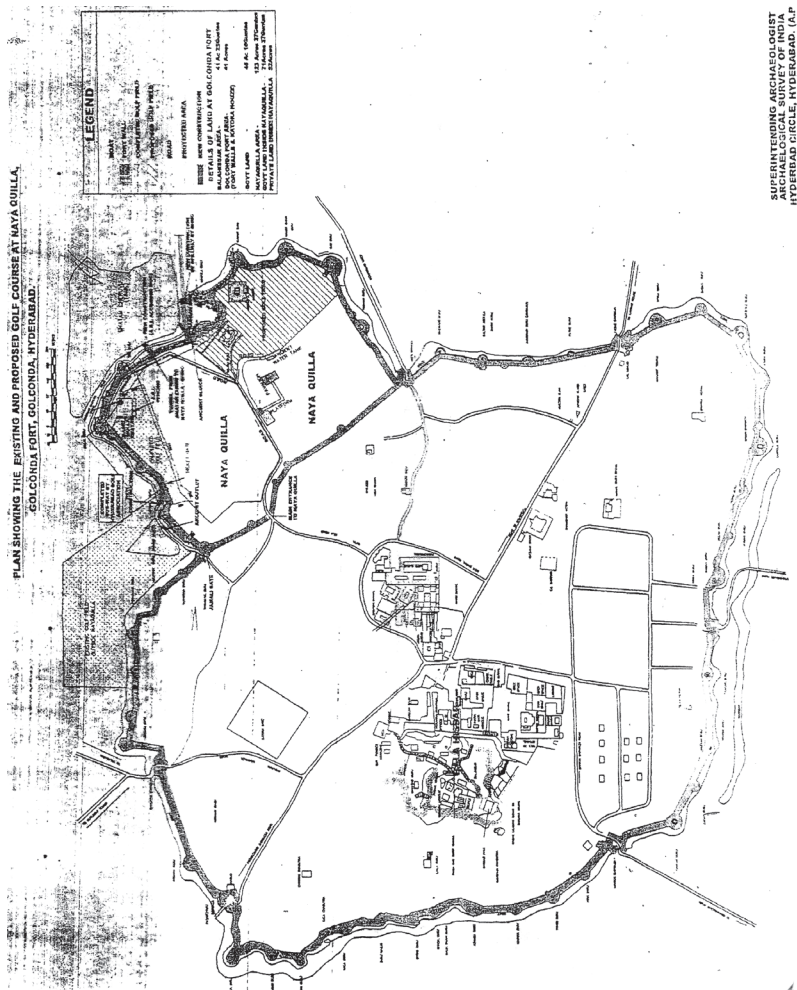


Figure 12: *Bagh-i-Naya Qila – Golconda – Layout Plan*
(After Yazdani, c. 1920's)

3. Proposed lay out plan of golf course, signed



PLAN SHOWING THE EXISTING AND PROPOSED GOLF COURSE AT NAYA QUILLA,
GOLCONDA FORT, GOLCONDA, HYDERABAD.



5. ASI Letter dt. 23.7.10 forwarding final layout plan of golf course

26/7/10

BY REGD. POST

F.No.3/1/RTI/2010/1848
Government of India
Archaeological Survey of India
Office of the Superintending Archaeologist
Hyderabad Circle

Kendriya Sadan, III Floor,
Sultan Bazar, Koti,
Hyderabad – 500 095, AP.

Dated: 23 July 2010



To
Shri K.Prabhakar,
Member,
Forum for A Better Hyderabad,
House no.17, Street no.3,
Umanagar, Begumpet,
Hyderabad – 500 016.

Sub: Providing information under the Right to Information Act 2005 – Regarding.
Ref: Your letter dated 15.6.2010.

Sir,

With reference to the letter on the subject cited above, a copy of the layout plan of the golf course in the Golconda fort area is enclosed as desired by you under the Right to Information Act 2005.

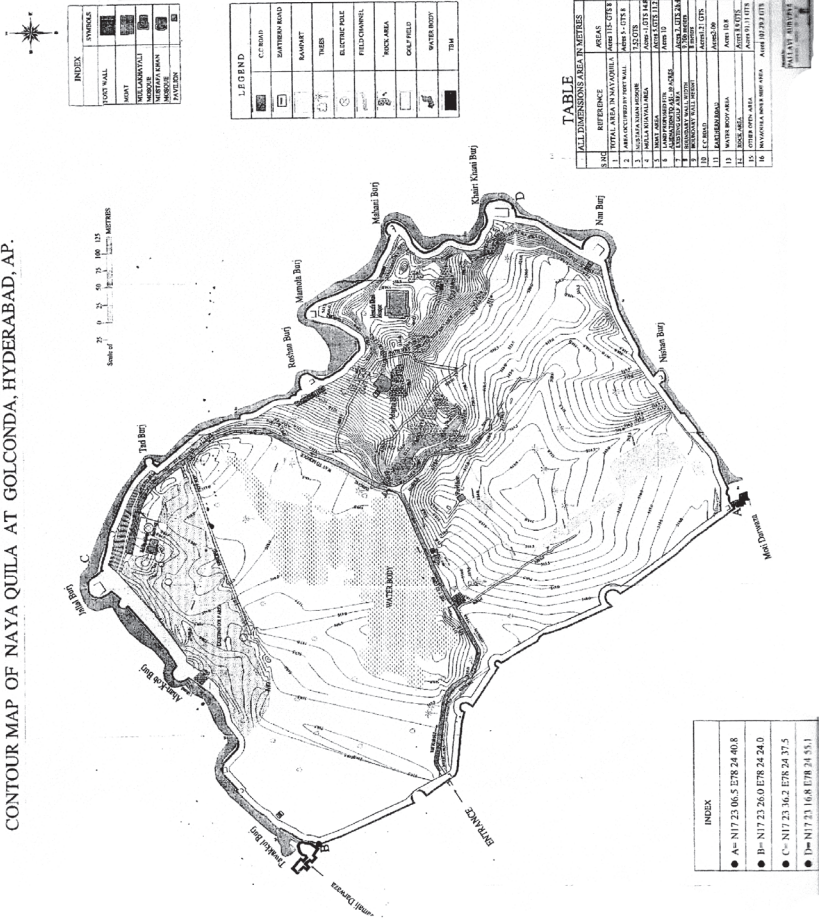
Yours faithfully,

J. S. S. S. S.
Deputy Superintending Archaeologist
& CPIO

Encl: as stated above

6. Contour map of Naya qila

CONTOUR MAP OF NAYA QILA AT GOLCONDA, HYDERABAD, AP.



7. ASI letter dt. 9.5.12 forwarding maps.

F.NO.RTI/2012-13/HC/357
GOVERNMENT OF INDIA
ARCHAEOLOGICAL SURVEY OF INDIA
HYDERABAD CIRCLE
KENDRIYA SADAN, SULTAN BAZAR
HYDERABAD - 500 095

Dated the May 9th, 2012

To
Sri O.M. Debara,
Mani Minar,
4-1-913,
Tilak Road
Hyderabad - 500 001.



Subj:- Information desired under RTI Act.2005 - Reg.

Ref:- 1.Your letter dt. 11.4.2012.
2 Your letter dt. 26.4.2012.

→oOo←

Sir,

With reference to your letters on the subject cited, I am enclosing herewith the copies of maps and copies of letters (175 Nos) as desired by you as per the provisions of the RTI Act.2005.

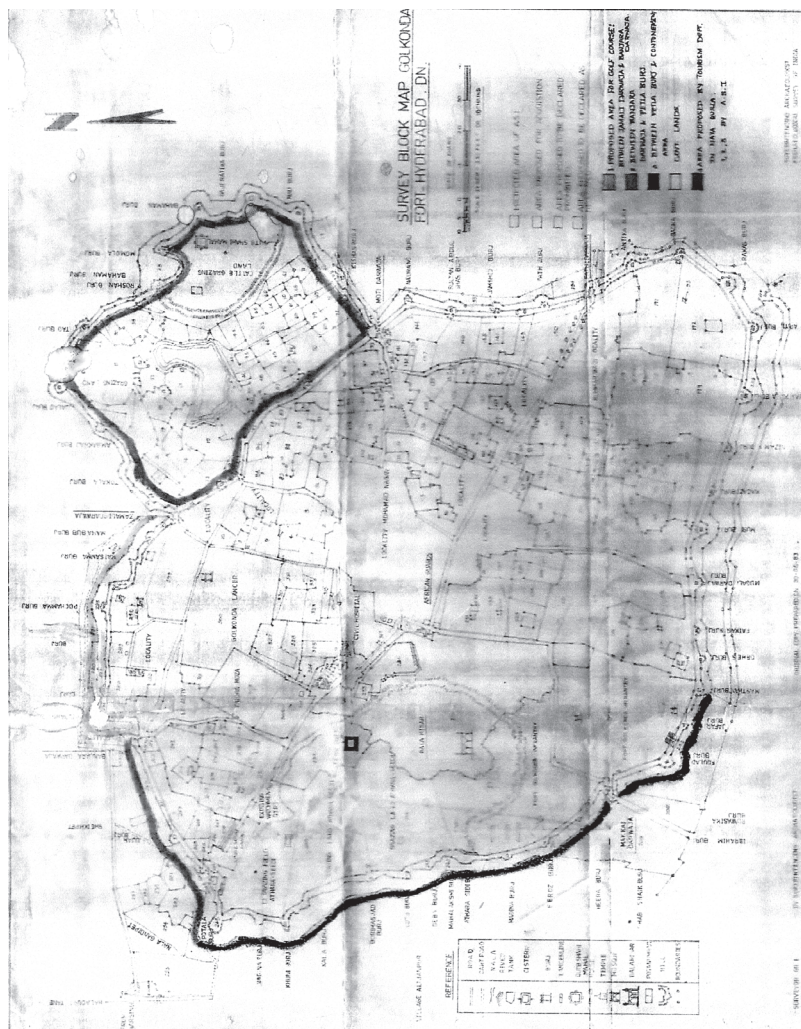
Kindly acknowledge the receipt of the above.

Yours faithfully

Encl: As above.


Dy.Superintending Archaeologist
And Central Public Information Officer

8. Land Allotted to golf course - Total



9. Land Allotted to golf course at Naya Qila. Govt. & Private



Annexure 3 Photographs showing violations mentioned in Chapter 5



1. Tractor used to destroy rock for leveling



2. Levelling of land by tractor, removing earth Stones by truck



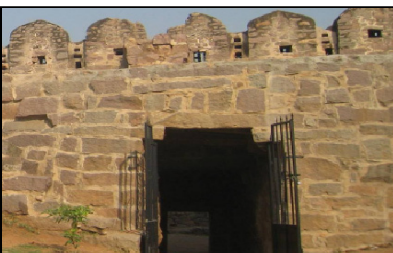
3. Picture of the breach in the Kandak



4. Picture of the breach in the Kandak



5. Sign boards



6. Gate Fixed on surang towards NQ



6.a "Fence along the moat wall has an opening for golfers. Why?"



7. Deep sand pit not digging for agriculture



8. Digging of pit for laying water pipes, violates (19(A)2(dc) of Act.



9. Fencing around Hathian Ki Jhar



8.a Channel cutting in Qutub Shahi Bagh Machine used-GHMC Board Fake



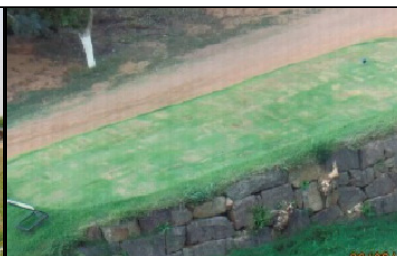
10. a) Trucks unloading sand and mud
In Survey No.40



10. b) Trucks unloading sand and mud
In Survey No.40



11. Tees on the Moat



12. Tees on the Moat after filling and greening it



13 (a)

I Stage: Stair case created from Moat wall into the Moat bed- leading to the Surang for Golfers



13 (b)

II Stage: Cemented staircase from Moatwall into Moat bed leading to the Surang for Golfers



13 (c)

III Stage: Kucha staircase made after removing



13 (d)

IV stage: Raising level of staircase along moat

Ramp, Excavating, Changing, Contour etc.



14 (a)



14 (b)



14 (c)



14 (d)

Published by :

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