

Ten years of Activism & Service

# FORUM FOR A BETTER HYDERABAD

NEWS LETTER : 14 JANUARY - FEBRUARY - 2011

(Private Circulation only)

ACTIVITIES :

JANUARY - FEBRUARY - 2011

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## HERITAGE - GOLCONDA FORT - GOLF COURSE

### I. Violations of MoU, AM&ASR Act and Court orders:

Text of Forum's letter dt. 07.02.11 to the Secy. Deptt. Of YAT&C (Govt. of AP) with copy to MD-APTDCL is given below.

*(For personal attention of Shri Jayesh Ranjan)*

### Sub:- Violations of MOU, AM & ASR Act, and AP High Court order, in respect of Hyderabad Golf Course in Golconda Fort area.

We refer in the following paragraphs to recurring violations by Hyderabad Golf Association(HGA) of AP High Court's interim direction dated 8.6.10, MOU dt 23.9.09 between Archaeological Survey of India (ASI ) and Govt. of Andhra Pradesh (GoAP) represented by the Secretary, Deptt. Of Youth Advancement, Tourism & Culture (YAT&C), and the Ancient Monuments and Archaeological Sites & Remains Act (AM & ASR Act) 1958. The responsibility for complying with the provisions nos. 1 to 8, 10-11 and 15 of the MOU lies unambiguously with you.

A perusal of the preamble to the MOU will establish the primary responsibility of your department for the 'proposal to develop an 18- hole Golf Course of International Standards for the purpose of promoting tourism in and around Hyderabad', identification of a site comprising of about 180 acres of land belonging to State Govt. in the vicinity of Golconda Fort, licensing the said land to HGA to establish and run an International Standard Golf Course, and compliance with the terms and conditions of the approval of ASI (as per its letter F.No.26/16/98-M dated 29.11.2001 to the Department of YAT&C) for use of the land within 'Naya Qila' for the purpose of the Golf Course. In fine, YAT & C Deptt. is responsible for all acts of omission and commission by HGA. A few of these are stated below, together with our references and the outcome.

Clause 4 of MOU states " The GoAP shall ensure that the development of the Golf Course by the HGA,

in the Naya Qila 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 **AM&ASR 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 thereunder." The interim direction of the Hon'ble A.P. High Court permits grassing without change of contours.

As of now, there is no approved contour map of the area. So, what is the reference point of GoAP to ensure that contours are not changed ? We have documentary evidence to show that contours have been violently changed by leveling, digging, breaking of rocks, upturning graveyards, cutting water channels, filling up and flattening moat beds, creating staircases along the moat wall, erecting fences, and in so many other ways. Accordingly, first, a contour map should be drawn by the District Collector and approved by ASI, New Delhi, which should reflect the position prior to the take over of the site by HGA.

For this purpose, the help of National Remote Sensing Agency must be taken. Before the contour map is accordingly drawn, no work of whatsoever nature can be allowed. Further the High Court's interim direction permits only 'grassing'. Digging is prohibited under section 19(1) of AM & ASR Act 1958, and in terms of the aforesaid clause of the MOU, the Act and its Rules must be observed. [ Our letter no FBH/Heritage/12/2010/133 dt 8.12.10 to the District Collector – no reply received so far.]

We enclose a copy of our letter dated 6.11.10 (Sub: Recent violations by Hyderabad Golf Association of A.P. High Court interim direction dated 8.6.10 – wrongly stated in our letter as 17.3.2009), referring to a series of violations of a recurring nature perpetrated by HGA in non-chalance of the directions and objections of ASI, Hyderabad. In this letter we have referred to the statement of the Superintending Engineer, Archaeological Survey of India, that you took no action on the endorsement to you of his letter to HGA. Further, we emphasized your department's bounden duty to ensure

compliance by HGA with the terms of the MOU, and referred to your undertaking to the High Court in Dec. 2008 to that effect. Supportive enclosures were sent with this letter. To this day, no response has been received from your Deptt.

We refer to a letter F. No. 11/3/Hyd/GC/2010-M/4022 dated 2.11.10 of the Superintending Archaeologist, ASI, Hyderabad to you, requesting you to instruct HGA not to take up any work till the obligations of HGA as per the MOU are fulfilled. These obligations refer to a lay out plan of the golf course for approval by ASI, action plan showing details of works being carried out in a phased manner providing sufficient space all around the fortification wall and the monuments and also for access to the monuments situated inside Nayaqila. Further, the areas to be handed over to the ASI have not been demarcated so far. A copy of the letter is enclosed for your ready reference. To our knowledge, no response was made by you to this letter, and action on the ground shows the HGA is continuing its work without fulfilling these obligations.

We also refer to our following letters: copies enclosed.

- Ref: FBH/Heritage/12/2010/144 dt 27.12.10 (-re: Minutes of the Joint Inspection of the Committee visit to golf course area in the Naya Qila, Golconda Fort on 11<sup>th</sup> August 2010-) to the Managing Director, APTDC. We request that corrective instructions be issued as suggested by us.
- Ref: FBH/Heritage/12/2010/ 143 dt 27.12.10 (—re: Hyderabad Golf course – Annual report for the year 2009-10 –) endorsed to the Managing Director, APTDC

We request you to have our comments examined urgently and inform us of your decision. We also seek a meeting with you at an early date.

## **2. Digging near Mustafa Khan Mosque, Removal of Artefacts, etc.:**

Copy of Forum's letter dt 18.2.11 to the Collector Hyderabad District is given below. Similar letter was also addressed to the SA- ASI- Hyderabad on 18.2.11.

Since yesterday, some digging work has been undertaken by the ASI, Hyderabad Circle near Mustafa Khan mosque. You will recall that earlier, in / adjacent to that location, silver coins (now lodged in the State Archaeology Department Museum) and artifacts were found (which are since untraceable). We enclose four photographs showing the digging work and the remains discovered from the pit dug stored in a karai type vessel, apparently to be removed without preservation for further examination..

2. We oppose any conclusion of absence of heritage value without proper examination. 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? These questions arise. **We, therefore, insist that these remains are stored properly under panchnama and examined by experts in a transparent manner before being disposed of.** Our request is not a tall order and is a perfectly reasonable request in the interest of the Monument's heritage and associational value.

3. If this current exercise is an exercise under article 9 of the MOU, namely,

“ Keeping in view the archaeological potential of the areas inside Naya Qila, 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.”

**the exercise is totally inadequate and without adequate sampling.**

**4. If it is ASI's or others' intention and plan to hand over the area to the Hyderabad golf club for their golf course, after this “ scientific clearance operation” which is based on inadequate sampling, such handing over the area to the golf course will still violate the provisions of articles 8 and 10 of the MOU, as the lay out plan of the golf course has not been approved by your ND office, nor the contour map approved?**

We quote the relevant clauses:

Clause 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.

Clause 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.

5. We, therefore, request you to order the preservation of the remains dug up from the pits for further detailed examination in a transparent manner under a suitable panchnama; and not to allow the golf club to undertake any work unless and until the requirements under clauses 4, 8, and 10 are strictly complied with.

### 3. Rationale for allotment of land to Hyderabad Golf Asscn. And for fixation of lease rental:

Forum and SOUL have together sent the below reproduced letter dt. 24.02.11 to the Secretary, Deptt. of YAT&C (Govt. of AP), with copies to HMDA/ GHMC/ Collector- Hyderabad/ ASI- Hyderabad/ DG- ASI- New Delhi.

We refer to the Schedule of lands allotted to the Hyderabad Golf Association (HGA) under the Deed of License dt 6.2.2002 for the golf course, which clearly shows under 04. Satancheruvu ( Shatam Talab ) as part of the land allocation to the HGA. Such allocation of a water body, a lake, which is also totally unrelated to the activities of a golf club is clearly violation of laws governing water bodies. **We further observe that the HGA has been permitted to build an office inside Shatam Talab** on land – that has been created by dumping mud/stones inside the water body - adjoining the rocky mound inside Shah Hatem Talab. This newly created “land space” created out of “water space” – is now being used for constructing **yet more civil structures**, greening grass patches of golf grass & further mud/stone filling. The entire coastline of Shah Hatem Talab has been open to rampant **debris deposition** (that is a well established mechanism for encroaching water bodies) - for the last one year & **NO ACTION** to stop this has been taken by HGA or your department notwithstanding a number of complaints regarding this dumping. . This amounts to de facto **condoning, if not aiding & abetting destruction of water bodies by a government agency.**

(Contd.. in next column)

Throughout the past decade – since this place had been granted to HGA – it has been used as a parking lot for heavy duty commercial vehicles & and running an office of HGA. This is even beyond the mandate of Deed of License and should be at once cancelled and undone .

Secondly – encroachment of water bodies is a violation of law & your department has been unable to prevent such a blatant violation by HGA. ( Photos enclosed). Further – as per plans for Golf Course submitted to the government – two holes are supposed to be in the area that is presently a part of Shah Hatem Talab. This can only be done after the existing water space is destroyed through dumping for land creation. **Is the government authorizing HGA to destroy water bodies through reduction in their water spread and water holding capacity?** Kindly clarify on this very critical issue.

Please also let us know on what basis the lease rent for lands allotted to the HGA was fixed at Re 1/ per acre ( Deed of license dt 6.2.2002, clause 21 ) , that too for a period of 50 years up to 5.2.2052 ( vide clause no 1 ibid). We consider the lease rent should be immediately revised to bring it in line with the market rent available for same or similar land, with retrospective effect, making also public the basis of fixing such rent. Kindly treat the matter as most urgent.

#### HERITAGE - CHARMINAR - Sujaya Bazar

Referring to the news item in the Hindu dt. 10.1.11, Forum have taken up the matter with DG, ASI, New Delhi and also with the YAT & C Dept.

## GHMC prefers to give rules a go by

### Regularises modern structure near Charminar

J.S. Ifthekhar

**HYDERABAD:** The GHMC seems to follow the heritage regulations more in breach. It has seriously erred in regularising a commercial complex opposite the historic Charminar in utter contravention of heritage rules.

While the authorities have belatedly woken up to the danger posed by the jazzy structure to the world heritage site status Charminar is seeking, the regularisation of the ‘Shujaiya Bazar’ itself is fraught with serious irregularities. The Corporation has given a go by to rules while

regularising under Building Penalisation Scheme (BPS). The structure built over 235 sqm fulfils only the maximum height restriction of 10 meters and no stilt parking and basement rule.

It has not complied with the front setback (3 meters), rear setback (2 m) and sides setback of 1.5 (m). Worse the building is regularised for residential purpose but is being used for commercial activity.

GHMC has also ignored GO 542 which says that any renovation of buildings facing the road from Nayapul to Aliabad Chowtrasta ought to get the

- Shujaiya Bazar was regularised for residential purpose but is being used for commercial activity
- Though ASI has an outpost at Charminar, the new construction has escaped its attention

approval of Heritage Conservation Committee (HCC). Conservation architects feel the building regularisation should be cancelled since the GHMC action is questionable. “It is strange that after regularising, authorities are trying to find fault with the building owner. People do make mistakes but it is the duty of GHMC, ASI and HCC to check. What were they doing,” asks a conservationist.

More astonishing is the total silence of Archaeological

Survey of India (ASI). Though it has an outpost at Charminar, the new construction has escaped its attention.

#### GHMC petitioned

Following a report in these columns, the Forum for a Better Hyderabad (FBH) has dashed off a letter to GHMC Commissioner Sameer Sharma questioning how the building was regularised without any reference to ASI and HCC.

Since the structure falls

within the prohibited/regulated area of Charminar, prior permission of ASI is necessary under the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation Ordinance) 2010.

O.M. Debara, general secretary, FBH, has sought the urgent intervention of Tourism Secretary Jayesh Ranjan in the matter so that the chances of Charminar getting the world heritage status are not spoilt. “It will be a shame if Hyderabad misses the honour due to this indiscretion,” Mr. Debara said.

He has also written to the Superintending Archaeologist, ASI, and the HCC to intervene in the matter appropriately.

**ENVIRONMENT- WATERBODIES- Hussainsagar Lake**

The Hindu in its edition dt. 29.1.11 had reported certain schemes of HMDA as part of Hussainsagar and catchment area improvement project. After contacting BPPA/HMDA, Forum received a note containing some particulars of the work. Based on this, Forum have written to the MD- BPPA/HMDA/ GHMC/ LPA seeking inter alia following clarifications:

"Increasing the potentiality of eco-tourism"- what eco-tourism plans are thought of? Will there be more steam or power boats ; more restaurants, etc? Will any environment impact study be made of any such "eco-tourism" plans?

- 30 MLD, upgradation of 20 MLD & 5 MOLD STPS "under construction"
- 1600 dia RCC Ring Main from Kukatpally Nala at Neckalce Road Buddha Bhavan, 1600 mm RCC Pipe Jacking at Boats Club, Trunk Main and diversion weir at Rangadhamini Lake (IDL), 1400 MM RCC Bala Nagar Main all in the process.
- Installation of Aeration Equipment - for which tender is finalised.
- Shoreline improvement – in progress eg. Khairatabad Fly over, proposed Eco park opposite KIMS, Sanjeevaiah Park to Boats Club shore improvement works.
- Are there works/equipments to be laid inside the water body/bed of the water body after its FTL mark?
- How do you reconcile these works with prohibition in terms of Supreme Court direction dt. 25.4.2004 on work in, on, or around the Hussainsagar Lake?"

**URBAN PLANNING- FOOTPATHS**

In practice GHMC cares little for pedestrians. Notwithstanding existence of their own circulars re: provision of parking space by commercial buildings, these are hardly enforced. Footpaths either do not exist along many roads, or have been allowed to be encroached , or are not in usable condition. At many places footpaths are used for parking cars visiting surrounding commercial establishments. Having come across new instances of unauthorised parking of cars on footpaths/ roads, Forum have written to the Commissioner GHMC on 06.01.11 citing examples and giving a few suggestions:

1. a) Fencing be done along footpaths so that vehicles cannot mount a footpath. b) At a regular interval along all busy roads, parking places be created , and thereafter, no vehicle should be allowed to park on a road / footpath. c) Deterrent penalty be imposed for unauthorized parking – at present, the penalty is not deterrent. These are measures can be taken without delay.
- 2 On a short to medium basis, please pursue relentlessly restoration for parking use as shown in the sanction plan, from use of such space for purposes other than parking. Till this is done, the owners / lessees of such premises should be compelled to provide parking place elsewhere with valet service to their customers. Any unjustified intervention by minister / MLA may be thwarted by recourse to Lokayuta.
- 3 We are available for discussion with you , for a plan for ending the menace of unauthorized parking in a systematic manner."

## Action plan to tackle illegal parking soon

TIMES NEWS NETWORK

**Hyderabad:** The state government, in its undertaking to the AP High Court on Friday, said it would put in place an action plan within four weeks to address traffic snarls being caused by illegal parking on city roads. This would be done by coordinating with GHMC and the traffic police.

It may be recalled that Justice N V Ramana of the High Court on Thursday summoned top officers of Hyderabad and

plain the measures they were taking to curb illegal parking. C V Anand, head of traffic wing of city and Chandrasekhar Reddy, DCP (traffic) of Cyberabad appeared in the

### GOVT RESPONSE TO HC

court on Friday. While hearing a writ petition filed by Model Space Owners Associations, complaining that the GHMC was collecting charges for parking on the private properties of their associa-

advocate commissioner. After perusing the report, the court summoned the traffic officials.

"If you have the will, you can do it," the judge told advocate general A Sudarsan Reddy. Every year two lakh vehicles were being added to city traffic without any commensurate expansion in infrastructure facilities, the AG said. "We will try to bring out the best in the next four weeks through a coordinated effort," the AG assured the court.

"If you stop permitting

without any adequate parking facilities in residential areas, the problem would go," the judge said.

"Instead, you are converting all residential buildings into commercial complexes leading to traffic chaos and there is a lack of coordination between GHMC and police," he said. The judge adjourned the case by four weeks to allow the government to submit the ac-