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NEWS LETTER : 15

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# FORUM FOR A BETTER HYDERABAD

(Private Circulation only)

Compiled by : R.K. Sinha

## 1. HERITAGE - GOLCONDA FORT - Golf Course

Forum have represented to the DG- ASI- New Delhi vide letter No . 2/2011/179 dt. 25-03-11 for cancellation of the MoU with HGA.

### **“MOU dt 23.9.09 with GOAP re Hyderabad golf course**

We had at various times objected to any MOU with the GOAP for setting up a golf course at Nayaqila part of the Golconda Fort monument. We now refer to the recent amendments to AM & ASR Act, in particular to Sections 20A to 20 B of the Ancient Monuments and Archaeological Sites and Remains ( Amendment and Validation) Ordinance, 2010 ( No 1 of 2010). These sections further prohibit grant of permission for any construction ( which should be interpreted to mean any work not connected with a monument's preservation) in a prohibited area of a protected monument except for public purpose which must be officially notified; and if granted earlier than coming into force of this Ordinance must be subjected to strict scrutiny of an Experts' Committee to be notified.

The golf course does not serve any public purpose. On the contrary, it is for the private use of the members who can afford to pay a membership fee ( Rs.6 lakhs plus other charges) and some government officials – thus in effect excluding commoners.

The Nayaqila part of the golf course is located within the prohibited area of the Monument. As you know, earlier while digging and flattening the soil, artifacts and silver coins were found, and century-old graves were dug up. The area was not sealed under the Treasures and Troves Act. The ASI took no care to preserve the area. Even recently, they pretended unawareness of the discoveries, stating that they had learnt it from news paper reports. It is quite probable that heritage materials may lie underneath, and in many other parts of the Nayaqila area. In fact, Nayaqila fort area is an unexplored virgin territory, which gives a competitive advantage to the Golconda Fort for recognition as a World Heritage Site. To explain our point, we enclose a letter written to ASI, New Delhi by several scholars from across the globe.

Considering the above factors, the golf course i) which does not serve any public purpose and is for the use of an elite (despite being open for membership to all) ; and ii) which harms the integrity of the Monument Accordingly, we request you to cancel the MOU dt 23.9.10.”

## 2. HERITAGE- GOLCONDA FORT- Golf Course

Forum had addressed a detailed letter to Shri Sitaram Yechury, MP, Chairperson- Parliamentary Committee on Transport Tourism & Culture, on 04-10-10 explaining the reasons for our opposition to the Golf Course. In response, Jt. Director- Rajya Sabha Sectt. On 15-03-11 had forwarded a letter from Ministry of Culture. Shri M.Vedakumar and Dr. M Mandal while on a visit to New Delhi had apprised the matter to the Secy. to Shri Yechury on 01-04-11. Forum's reply Ref. FBH/HERITAGE/ 2/2011/181 dt.09-04-11 is reproduced below. Forum's point-by-point responses (24 sheets) to the Ministry's letter supported by maps/ googlemaps/ photos/ newspaper clippings have been placed in a file as annexure to said letter No.181.

**Subject :Opposition to establishment of a golf course inside the Nayaqila part of the Golconda Fort.**

**Ref: letter No RS.6 ( 2) / 2010 –T &T dated 15.3.11**

**From Joint Shri B. Swarabji, Joint Director, Parliament of India, Rajya Sabha Secretariat, Parliament House / Annexe.**

We submit in the Annexure our detailed response to the reply provided in the Annexure to the above letter. In this connection, we refer to the last paragraph of our response, for your kind urgent consideration , as follows:

“Conclusion: Regarding question of facts, there is wide misrepresentation of facts in the answers by the Ministry of Culture, as we have stated in detail in our response in the foregoing paragraphs. It is, therefore, desirable that an open face to face hearing to them and us be given before the Chairman, Department-related Parliamentary Standing Committee on Transport, Tourism and Culture.

We have shown earlier how the heritages, contours, lake bodies are being destroyed in the process of setting up the golf course. Even the surviving Naya Qila Bagh ( Qutb Shahi Garden), a few among the surviving Qutb Shahi gardens, is threatened by the lay out plan of the golf course ( and the ASI claims ignorance of any such garden – such is their knowledge and dependability! ) Unless any further work connected with laying the golf course is immediately stopped, there will be irretrievable damage to the Naya Qila part of the Golconda Fort, as demonstrated in our Annexure.

We recommend that all violations of the MOU and the AM & ASR Act 1958 and Rules there under, and the Ancient

Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 ( No 1 of 2010) be stopped immediately, and UNDONE, and the delinquents penalized to have a deterrent effect.

Further, the removal of the golf course from the Naya Qila Fort area, should be done urgently. Meanwhile, all further work of the golf course should be stopped, including the grassing work.

In view of the adverse impact of the Golf Course on the monument, rampant violations of the MoU, and Deed Of License, the GoAP should rescind the allocation of the area, both Government and Private land, made to HGA.. GOAP can take an administrative decision in the matter, independent of the Court case.

The Committee may please take its view accordingly, advise accordingly, and take other appropriate action.”

### 3. HERITAGE- GOLCONDA FORT- Golf Course



Tuesday, Apr 19, 2011

#### Golconda garden 'vanishes'

*ASI Fails To Acknowledge Bagh-i-Qutub, Despite Its Mention In Records*

Sudipta Sengupta | TNN

Hyderabad: Hyderabad: A ten-acre garden in Golconda fort, dating back to the 17th century and described in the chapters of history as 'Baghi-Qutub' has disappeared from the government files, literally. The Archaeological Survey of India (ASI), the caretaker of this 'Deccani Garden' which many moons ago comprised cascading waterfalls and lakes but is now covered with creepers, has handed over this area to the Hyderabad Golf Association (HGA) claiming the 'Bagh' never existed. The elite club, in turn, has planned four of its golf holes (5, 6, 14 and 15) in this area.

In fact, the ASI has dismissed all claims about the garden's existence, saying that the entire stretch is nothing but "paddy fields," but clearly ASI has missed sifting through the government's own records. The MoU signed between the state government and HGA in 2009 has a clause (6) which reads: "The Government of Andhra Pradesh shall landscape the land comprising about 10 acres on the right of the present entry as per the original layout plans of the Qutub Shahi garden according to the records available with the Hyderabad circle of ASI...This area shall be demarcated aesthetically and not utilised for the golf course."

The ruins of this once breathtaking garden can be seen at the site, located within the historic Naya Qila (on the right side). Though covered with tall grass and wild shrubs at present, a closer look at the sprawling green field reveals the existence of pavilions, water bodies, steps and other structures, hidden beneath the unkept creepers. This, say historians, is where the Bagh-i-Qutub, built by the seventh ruler of the Qutub Shahi dynasty, Abdullah Qutub Shah, once lay.

ASI officials these days, however, think otherwise. "We have no documents or pictures to prove that this was ever a garden. It is all part of the land given to HGA by the government and we cannot do anything to stop them from using it," said K Veerbhadra Rao, former superintending archaeologist of ASI- Hyderabad, during whose term the land was transferred to the elite club. When asked about the MoU, Rao claimed he had "no clue" about it.

Stumped by ASI's denial, city historians and civil society groups allege it is only a ploy of to let HGA carry out its work without any hindrance. They demand that the 'bagh' referred to as a "pleasure garden in the outskirts of the main fort" in M A Nayeem's book 'The Heritage of the Qutub Shahis of Golconda and Hyderabad' be restored and freed from the elite club. "In the late 80s there was some attempt made to restore the garden as it has huge historic significance, but it unfortunately never happened. Hope they can do it now," said historian Narender Luther reiterating how the once picturesque moghul bagh (which he says was a terrace garden) has now turned into an ugly jungle.



TO BE HISTORY SOON: Though an MoU between the government and Hyderabad Golf Association refers to the 10-acre Bagh-i-Qutub garden in Golconda fort, ASI cites 'lack of evidence,' allowing HGA to set up golf courts on the land

### 4. HERITAGE- GOLCONDA FORT - Digging around Mustafa Khan Mosque by Golf Assocn.

Forum's fax message dt. 09-03-11 to the Collector, Hyderabad is given below.

#### Request Immediate Attention

**Further to our fax message to you yesterday on which your immediate action is very much appreciated by us, we have now come to learn that the Hyderabad Golf Course is taking a new plea for digging around the Mustafa Khan Mosque** (for laying grass) permitted by the High Court. Laying grass in that area on demands as pre-requisite the compliance with the under noted conditions of the MoU, which have not been fulfilled.

- Qutub Shahi Garden has not yet been identified on the site as required under clause 6 of the MoU. This is a must.
- The layout plan of the entire Golf Course has not been approved by ASI as required under Clause 8 of the MoU. as a pre-condition before commencement of any further work.
- A complete documentation of the Nayaqila, which is a virgin territory, covering both the surface and underneath should be undertaken in an effective and comprehensive manner before any further work is permitted, including digging of soil.
- For the above purpose the MoU under Clause 9 provides for carrying out a scientific clearance operation, prior to the landscaping of the Golf Course. This should be done at least in regard to further work in the Golf Course and should cover the Golf Course already made. We consider that such operation should cover a number of areas as the entire area is unexplored and virgin territory. The prioritization of the areas should be done and the method of scientific clearance mechanism should be discussed with concerned NGOs before being finalized. We consider that the existing areas of the Golf Course should first be covered.
- Clause No.4 - There is no contour map of the area for reference to compliance with the High Court's direction and the MoU that the existing contours should not be disturbed. First, a contour map should be finalized before any further extension of the Golf Course is permitted.
- Also, the violation of contours already made by the golf course be identified and remedial action taken. This exercise should be done with help of NRSA. As far as the Mulla Qayali and Mustafa Khan mosques are concerned, the ½ acre area to be protected, is to be clearly demarcated first. This area should be left excluding the mosques and the burials. We have further to satisfy ourselves whether this buffer of ½ acre is adequate. From the enclosed photographs, it is evident that the work done by tractors is within the buffer zone of the mosque and dangerous proximity to the fort walls, the bastion, etc.,)

- (ii) Way to these mosque should be defined properly.
- (iii) Set backs from these structures will vary, and should be ascertained with the archeological experts and the mosque committee(s).
- (iv) No fencing and no wicket gates should be allowed in the Nayaqila area, especially near this mosque.

### 5. HERITAGE- "G" Block building in AP Secretariat

This building was constructed by the 6<sup>th</sup> Nizam, Mr Mahboob Ali Pasha in 1888. It was named Saifabad Palace. Many Prime Ministers of Hyderabad State under Nizam's rule functioned from this building. After 1948, Chief Administrators under military rule also operated from here. Subsequently, this building continued to be a centre of administration for many of the Chief Ministers of A P State Govt. Sometime back, State Govt. had applied to A P High Court for demolition of the G Block. Forum have addressed a letter dt 7-04-11, along with a write-up on the historical value of the building, to the Chief Secretary, Govt. of AP.

**Forum again wrote a letter dt 18-04-11, to the Chief Secretary, Govt. of AP. Extracts of the letter are given below.**

We thank you for the patient hearing the members of the Forum For a Better Hyderabad on 7.4.11, pleading for the retention and conservation of the G Block in the Secretariat, and notifying it as a heritage building, in the context of reports received by us that the building is planned to be demolished shortly.

In this connection, we would like to reiterate that after the GAD took a decision to demolish the G Block, we filed a PIL (W.P. no 22263 of 2004) before the Honorable High Court of Andhra Pradesh to stop its demolition. Even though the building was not already a notified heritage building, the Hon'ble High Court, admitted the petition, and after hearing both sides, directed that the entire materials be placed before the Heritage Conservation Committee HCC), and in case the HCC recommends that the building is not to be included in the heritage buildings, nothing would prevent the respondents from proceeding ahead in its developmental activities by demolition of the building in question. In case the Committee expresses opinion to include it in the heritage buildings, it will be for the Government to take steps to amend the notification. The HCC gave an unanimous opinion that the building has solid foundation, is amenable to restoration, and should be notified as a heritage building under Regulation 13 of the Hyderabad Urban Development Authority Zoning Regulations, 1981. The way was thus clear for State Government to take a call, and declare the building as a heritage building, and conserve it. However, the State Government delayed matters, and made no budget allocation for maintenance of the building and allowed it to decline.

A meeting was on 27.2.08 by the then Chief Secretary to discuss what should be done about the G Block, in which the

Chairman and members of the Heritage Conservation Committee, representatives of INTACH, and the Forum For A Better Hyderabad, the petitioner, participated. Principal Secretaries of GAD, MAU & D, TR & B. concerned departmental engineers (R & B) also participated in the meeting. The meeting (a) noted the afore-quoted judgment dated 31.12.04 of the Hon'ble High Court. (b) The Heritage Conservation Committee has since advised the government of its recommendation to include the 'G' Block building in the Secretariat in the list of notified heritage buildings. (c) A committee of engineers appointed by the state government stated that it will not be worthwhile saving the building considering the high cost of preservation. On close questioning, the engineers clarified that do not state that the building could not be saved; they only referred to the cost of saving, and that the building could still be preserved. It was also noted that the Heritage Conservation Committee, to whom the report of the committee of engineers was referred to by HUDA earlier, had reiterated their recommendation that the G Block should and can be preserved, and had noted that the committee of engineers had never stated in their report that the building was not capable of preservation, but that the committee of engineers had only referred to the cost of preservation. Historic buildings should be considered for protection not on the basis of the cost of preservation or its use but its historical, architectural, associational and other values which abound in the G Block.

Speakers after speakers from the Heritage Conservation Committee, Forum For A Better Hyderabad, INTACH, stressed the values of the G Block and opined unambiguously for its conservation. It was further stressed that the building was owned by the government, and the A.P government was a pioneer in framing heritage regulations and it should show an example in protecting a building with heritage qualities which belongs to it, as an eye opener to the private owners of heritage buildings. It is also noted that the engineers or any department of the government did not contradict that the building was capable of being saved.

Considering all of the above discussions, we concluded that the meeting was in favour of the preservation of the G Block. Accordingly, we earnestly requested, and hoped, that the government would preserve the building and notify it as a heritage building, thereby honouring the wishes of all and the intents of the Honourable High Court, without further delay.

We are shocked that reports of a plan to demolish the building have cropped up again. The State Government had meanwhile petitioned the Hon'ble High Court for permission to demolish the building. We learn that this petition has been dismissed. The Hon'ble High Court has already given its decision in the matter; their intent is clear from the fact that they directed a reference to the Heritage Conservation Committee, and put the ball in the court of the State Government to act in terms of the Regulations. Having received the opinion of the HCC to notify the building, and the clarifications obtained from the

government engineers that the building is sustainable - only the cost will be high – the way is clear for the State Government to take a call, and notify the building as a heritage building and arrange for its conservation. We earnestly appeal to you to do so.”

## 6. HERITAGE- Purani Haveli

Forum had represented to HMDA on 29-09-10 that Nizam's Museum and Wardrobe should not be shifted from Purani Haveli to Chowmahalla Palace. HMDA in its letter dt 25-02-11 addressed to Nizam Jubilee Pavilion Trust, with copy to the Forum, have informed that Heritage Conservation Committee in its meeting held on 23-11-10 has not agreed to the proposed shifting.

## 7. HERITAGE- Metro Rail Project

### THE HINDU

Online edition of India's National Newspaper  
Wednesday, Apr 20, 2011

#### Heritage buildings under threat, says Forum

Special Correspondent

HYDERABAD: The Forum for Better Hyderabad has sought clarification from the Hyderabad Metro Rail (HMR) authorities about how it intends to deal with the 15-odd listed heritage structures across the three routes on which the project is being built.

Forum General Secretary O.M. Debara in a communication to HMR Managing Director N.V.S. Reddy wanted details like the height and distance of the elevated metro rail from the heritage buildings.

He expressed fears that the "visibility, vibrations and sound" due to the metro may affect the heritage buildings.

Permissions

He also wanted to know what were the departments from which permissions were obtained for the works. Clearances ought to be taken from bodies like the Heritage Conservation Committee during the planning stage itself rather than the execution stage, he observed, according to a press release.

## 8. HERITAGE- Victoria Maternity Hospital building

Forum's appeal in the Supreme Court against the AP High Court judgement upholding State Govt.'s decision to delist and demolish the building for use of the space by the High Court, has since been dismissed.

## 9. URBAN PLANNING - Mortgage clause; Tax on illegal buildings; Work contracts on Nomination basis.

Copy of letter dt. 19.03.11 to the Mayor, GHMC addressed by the Forum jointly with COVA, PUCAAR, UFERWAS is given below.

Madam,

Sub : Reported Moves by Corporators to remove mortgage clause for houses constructed in plot sizes from 100 to 300 yards; not to collect 200% property tax on illegal buildings; enhancement of discretion of standing committee on deciding contracts.

Report in Hindu dt 17.3.11.

We refer to the captioned Hindu report, a copy of which is enclosed for ready reference.

1. We are not aware of what resolutions were passed by the Standing Committee of the GHMC in regard to the above, but if the report of the contents of such resolutions as reported in the Hindu are correct, we are opposed to such moves. We have already conveyed our strong principled opposition from the Civil Society to enhancing the discretion of corporators in allocation of works on a nomination basis instead of the regular tendering process, vide our letter dt 27 January 2011 to you, a copy of which is enclosed for ready reference. We reiterate that : i) Allocation of works on nomination basis would hamper the basic requirements of transparency, lead to unbridled corruption and result in efficient and sub-standard execution of development works; ii) that, all development works should be allocated strictly on standard tendering process and not through nominations as being demanded; iii) Nomination facility should be allowed, in case of calamity or emergency situations only, where award of work may be given without calling tenders, to pre-listed approved contractors, by the concerned zonal commissioner, his action to be ratified by the Commissioner within a month. Such nomination award shall not exceed five works in a year and not exceeding Rs. 1 lakh per work.
2. A number of illegal constructions are being done in smaller plot sizes up to 300 yards also; construction of up to 200% even, also violating setbacks, etc, causing risk to neighbouring buildings. GHMC is often unable to prevent such buildings in the construction stage. Accordingly, the mortgage clause should not be waived in such cases; and stringent penalty of demolition should be imposed.
3. We are unable to comprehend the logic behind the demand that the property tax on illegal buildings should be brought down from the present level. Please clarify. We are also requesting the Commissioner, GHMC, Hyderabad to advise us the rule(s) re levy of property tax on "illegal buildings". In fact, what is meant by the Standing Committee by illegal buildings is not clear to us. Is the Standing Committee talking of tax on "buildings covered under BPS" (which scheme has already expired), or buildings which still remain illegal? How can such illegal buildings not covered by BPS be allowed to stay at all? We shall appreciate receiving a clarification.

Copy forwarded for information and necessary action to the Commissioner, GHMC, Hyderabad. He is also requested to kindly advise us in regard to paragraph 3 of the letter.

Copy forwarded for information and necessary action to the Principal Secretary, MAUD, Hyderabad.

Copy forwarded for information and necessary action to the Minister for Municipal administration, Secretariat, Hyderabad.