

**The London School of Economics and Political Science**

# Urban Planning in Vernacular Governance

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Land use planning and violations in  
Bangalore

**Jayaraj Sundaresan**

A thesis submitted to the Department of Geography and  
Environment of the London School of Economics for the degree of  
Doctor of Philosophy, London, December 2013

## **Declaration**

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## **Abstract**

Using a relational state-society framework, this research examines the relationship between land use violations and the urban planning process. This thesis seeks to answer how and why land use violations in the non-poor neighbourhoods of Bangalore are produced, sustained and contested in spite of the elaborate planning, implementation and enforcement mechanisms present in Bangalore. Land use violations are identified as a key geographic site to empirically examine power and politics in urban planning practice in Bangalore. Critiquing the simplified representations often used to explain informality and illegality in the cities of the developing south as deviation, implementation failure and corruption; I propose that violations in Bangalore are an outcome of the planning practice rather than a deviation. In the process, I highlight how particular planning institutional systems operate when located in specific socio-political and governance contexts where vernacular networks of association transform the 'governmentalised' state into one that is amenable to specific interests through forging various forms of alliances. Providing evidence from ethnography of planning and violation networks in operation, this thesis argues that planning practice in Bangalore is inhabited by a variety of public and private interest networks. These associational networks, I argue, capture planning power, and prevent the possibility of a planning authority. Various case studies of plan violation, planning for violation, neighbourhood activism along with planning practice narratives, documents, and court cases form the extensive data set analysed in this thesis.

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## Glossary of Acronyms

ADTP	Assistant Director of Town Planning
BBMP	Bhruhat Bangalore Mahanagara Palike
BDA	Bangalore Development Authority
BESCOM	Bangalore Electricity Company
BIAPA	Bangalore international Airport Planning Authority
BMLTA	Bangalore Metropolitan Land Transport Authority
BMRDA	Bangalore Metropolitan Regional Planning Authority
BMRC	Bangalore Metro Rail corporation
BMTC	Bangalore Metropolitan Transport corporation
BWSSB	Bangalore Water Supply and Sewerage Board
CAF	Citizens Action forum
CAG	Citizens Action Group
CDP	Comprehensive Development Plan
CEO	Chief Executive Officer
CITB	City Improvement Trust Board
DC Revenue	Divisional commissioner – Revenue
DDA	Delhi Development Authority
DULT	Department of Land Transport
GoK	Government of Karnataka
GoI	Government of India
GPA	General Power of Attorney
INEP	Indo Norwegian Environment Programme
ITPI	Institute of Town Planners, India
INR	Indian Rupees
JDTP	Joint Director of town Planning
KEB	Karnataka Electricity Board
KHB	Karnataka Housing Board
KI	Koramangala Initiative
KLR Act	Karnataka Land Revenue Act
KMC	Karnataka Municipal Corporations act
KSCB	Karnataka Slum Clearance Board
KSRTC	Karnataka State Road Transport Corporation
KTCP Act	Karnataka town and Country Planning Act
KUIDFC	Karnataka Urban Infrastructure Development Finance Corporation
LDA	Lake Development Authority
MLA	Member of Legislative Assembly
MoHUPA	Ministry of Housing and Urban Poverty Alleviation
NIUA	National Institute of Urban Affair
NLCP	- National Lake Conservation Programme
NGO	Non-Governmental organization
NoC	No Objection Certificate
PIL	Public Interest Litigation
RMP	Revised Master Plan
RWA	Resident Welfare Association

SCE	Group SCE Limited
SPV	Special Purpose Vehicle
TPM	Town Planning Member
UDD	Urban Development directorate
USD	US Dollars

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## Chapter 1

### Introduction

#### 1. Introduction: The site of planning violations in Bangalore

On February 23<sup>rd</sup> 2010, a seven-storied office building named Carlton Towers near Old Airport Road in Bangalore went up in flames. Nine people were killed in the fire and sixty were injured, fifteen seriously. According to various media reports (Citizen Matters 2011; Deccan Herald 2010a, 2010b, 2010c, 2010d; DNA 2010; Hindu 2010; Paramanik 2010; Ravi 2010; Vincent 2011; Vittal 2010) a number of factors were responsible for the accident and the resultant casualties.

It seems the fire exit doors were locked making the escape routes unusable. The building was improperly ventilated which otherwise could have diffused the effect of smoke. Many reports indicated that there were no sprinklers, underground water tanks or fire exit indicators. The fire fighters and others who had gathered to help with the rescue encouraged the victims to jump from the higher floors onto some hand-held bedspreads. Many jumped to their death.

It was reported that the building was built deviating from the plans approved by the Bruhat Bangalore Mahanagara Palike (BBMP)<sup>1</sup>. For example, the building had an entire extra floor and had less than the legally required offsets<sup>2</sup> from the neighbouring properties to enable rescue operations. After completion, the developers did not obtain an *occupancy certificate*,<sup>3</sup> which declares the building fit for occupation. To make matters worse, it was also

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<sup>1</sup> The BBMP is the elected local government that oversees the city of Bangalore. See **Map 1, p20** and **Diagram 1, p 138** for the institutional governance setup. Detailed discussion appears in Chapter 4 and further discussion follows in this chapter.

<sup>2</sup> Legally required minimum setbacks from the site boundary to enable fire fighting

<sup>3</sup> The planning permission process in Bangalore not only requires planning approval for the construction of a building/project, but also requires various forms of certification from authorities during and after the construction such as a *Commencement, Completion and Occupancy Certificates*. An Occupancy Certificate declares the building fit for occupation. Section 190 of the Karnataka Municipalities Act 1964 and Section 310 of the Karnataka Municipal Corporations Act 1976 mandate that every person shall obtain a completion and occupancy certificate *within one month of the completion or erection of a building* (GoK 1977, GoK 1964). See Chapter 4 for a detailed discussion.

reported that the plans of the building were not even available during the fire rescue operations (ibid).

Discussions in the media and blogosphere after the incident sought causes and attempted to speculate on who was responsible. Some held that the fire department was responsible because they did not enforce the fire safety rules; some held that the untrained helpers along with the fire fighters were responsible for those who jumped to their deaths; some held that the owners of the building were responsible because they constructed the building in violation of the fire safety rules, building regulations and planning norms; some held that the BBMP was responsible because it did not enforce the building and planning regulations; some held that the occupiers were responsible because they did not question the callous violation of fire safety norms while living there; some held that general public apathy was responsible; and some held *the system* in general responsible (ibid). The building owners even seem to have blamed the authorities for not enforcing the fire safety norms (DNA 2010a, 2010b; Hindu 2010a, 2010b, 2010c, 2010d).

Within days of the accident, and acting in accordance with the Karnataka Police Act of 1963, the City Police Commissioner issued a public directive to all the tall building owners, residents and neighbourhood associations in Bangalore. In its preamble, the notification claimed that Carlton Tower's *deviation* from *planning and building regulations* was responsible for the casualties (Bidari 2010). Further, it stated that the owners neither constructed nor maintained the building as per the approved plan. This had not only made the building unsuitable for the installation and maintenance of fire safety equipment, but had also made the fire fighting difficult (ibid). The Commissioner stated that his investigation had found a large number of buildings in Bangalore that were constructed deviating from the approved plans. The deviations specifically mentioned in the directive ranged from converting balconies and terraces into habitable rooms, to buildings without planning permission and illegal land use changes. A large number of buildings were functioning without an occupancy certificate. The Police Commissioner's notification implied that this increases

risk and vulnerability.

Therefore, the Commissioner directed the owners, leaseholders, residents and occupiers of all buildings over four floors high in Bangalore to check that their building was regulation compliant: if the building complied with regulations, he directed them to inform the local police inspector; if a building had any deviations, the Commissioner directed them to take “immediate steps to ensure that the building is modified to conform to the approved plan, [and fire regulations], as early as possible and latest by 30th June, 2010 [within a month]” (ibid).<sup>4</sup>

If this was not possible due to the scale of the deviation - for example, a complete change of use or lack of occupancy certificate - he directed that,

“they will take immediate [and] necessary action to vacate the building and to maintain the building in a vacant state until they obtain Completion Certificate/Occupancy Certificate, as required u/s 190 of The Karnataka Municipalities Act, 1964” (ibid).

The Commissioner expected that

“[the directive] should be scrupulously and promptly complied with by all.... and any person disobeying these directions will be liable for prosecution and penalty u/s 112 of The Karnataka Police Act, 1963. He will also be liable for punitive action under Sections 338, 304 (A) and 304 of the Indian Penal Code in the event of fire mishap in the building” (ibid).

This was not an obscure government directive, intended to be forgotten inside a file or computer folder in the Commissioner’s office. It was issued to the public through media and local police stations and a copy was forwarded to police inspectors of all police stations (including the traffic police stations) in Bangalore City for strict enforcement.<sup>5</sup>

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<sup>4</sup> Page numbers not available

<sup>5</sup> Copies were sent to the Director General of Police of Karnataka, the Additional Home Secretary, all the assistant commissioners of police (including traffic), the deputy commissioners of police (including traffic, crime, intelligence and public relations), the Joint Commissioner of Police Crime, and the additional commissioners of police (including administration, law and order).

Yet, the editors of *Citizen Matters*, a local news journal, reported that when, a year later, they enquired at the Commissioner's office about the progress of the directive, they received no response. The chief editor of the journal wrote on 28<sup>th</sup> February 2011, that the Commissioner should not have issued a directive that "he could not have enforced, making further a mockery of affairs" (Vincent 2011). He argued that the Police Commissioner could have at least attended the annual memorial event held at the Manipal Hospital near his office to express his sympathy, rather than making an empty claim that he could enforce the law.

In this chapter, I wish to introduce this dissertation and my research question by elaborating on three compellingly curious problematic provoked by the discussion above. This will be followed by a brief introduction of planning apparatus in Bangalore that reappears with sufficient detail in chapter 4. In section 1.3, I briefly outline the complex terrain of violations in Bangalore and in Section 1.4 I propose that violations understood as 'deviation from the Plan' do not sufficiently explain the multiple forms of violations that I confronted in Bangalore. To do this, in this section I briefly discuss the current academic scholarship on informality, implementation failure and corruption. In section 1.5, I propose that violation should be conceptualised as outcome of the planning practice in Bangalore rather than its deviation and outlines the main arguments of this thesis.

### **1.1. From law enforcement to self-governance**

Carlton Towers was not a slum settlement in Bangalore away from the public and official gaze where urban poor residents struggle to settle in the city deviating from the planning regulations. Rather, it was a large, shiny office building in the middle of the city that housed a well-educated and aware labour force who actively participated in the production of the current global economy of Bangalore. So the first obvious question is how are the planning, implementation and enforcement processes related to the making of Carlton Towers a potential and later a successful site of an accident?

Secondly, why was the police commissioner unable to enforce his notification, instead stops at issuing the public notification? In other words, how does the site of violation become a site where the police commissioner becomes powerless?

Thirdly, why did he call for self-regulation instead of employing the government machinery to inspect and enforce? In other words, why did he ask the people to voluntarily inspect, correct or vacate and notify at the local police station even though he knew well that the occupants of Carlton Towers, at any point till the accident, did not report the various violations in their building to any police station or planning authorities.

## **1.2 Research question**

This thesis examines *planning violations* in the city of Bangalore, India. Planning violations occur when a building, layout or project violates planning law, the official planning process, or the Master Plan land-use zoning, density or building regulations. In this dissertation, I examine the violations of land-use regulation in particular.

Violations and various forms of illegality and informality have been the subject of academic research in urban studies, development and planning research for some time. However, most of this scholarship looks at the illegality and informality of the urban poor to the extent that *informality* in the developing south is usually synonymous with *urban poor*. This research project aims to examine violations, illegality, informality and irregularity beyond the domain of the urban poor. Hence I chose to study violations connected to the non-poor neighbourhoods in Bangalore. My main research question is:

**Why and how are land-use violations in the non-poor neighbourhoods of Bangalore produced, sustained and contested despite the presence of the elaborate planning, implementation and enforcement mechanisms?**

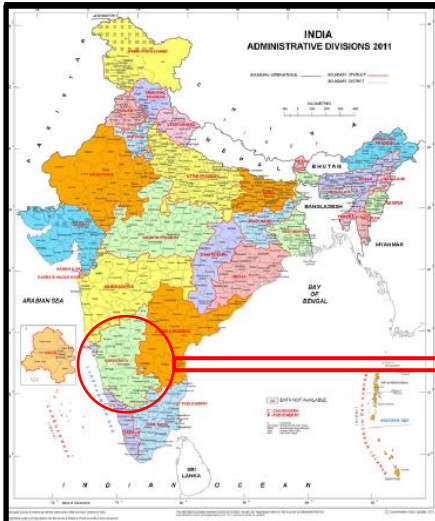
Though there is a lack of comprehensive and conclusive data about the various forms and extent of violations in Bangalore, many senior officials, politicians, and activists that I interviewed usually agreed that most buildings in Bangalore are a violation of some sort. They estimated that anything from 50% to 75% of the entire building stock in Bangalore could have been built deviating from the planning norms. In 2005, a local neighbourhood collective identified 87 buildings that violated the land use norms in their local neighbourhood. This was later confirmed by the Municipal Commissioner in the High Court during the hearing of a Public Interest Litigation (PIL).<sup>6</sup> Not surprisingly then, the statement ‘*there is no planning in Bangalore*’, was the one I heard frequently from a large number of people that I spoke to during my field research. Most people perceive that the problems that they encounter during their everyday life in Bangalore – traffic congestion, flooding, water shortages, trees falling in the rain, land-use and building violations, garbage on street corners and lack of adequate infrastructure and services – are due to the lack of planning. Incidentally, my experience is also comparable to what James Heitzman notes in *Networked City* (2004), about his research experience in Bangalore between 1994 and 2001. He writes,

“While I was conducting field work in Bangalore, I often had to explain to someone that I was studying the planning of the city. The response was often a look of incredulity, and a response that Bangalore was unplanned, or that planning system was chaotic”. (Heitzman 2004: p 283, 284)

However, as my institutional mapping demonstrates in Chapter 4, a large number of institutions, policies, laws and government officials in Bangalore are engaged on an everyday basis in what can be identified as ‘planning the city’. For instance, the Karnataka Town and Country Planning Act (KTCP Act) adopted in 1961 is a comprehensive statutory legal instrument to control land-use change through preparation of a Master Plan. The Bangalore Development Authority (BDA) was established with the BDA Act in 1976 to plan, implement and enforce a land-use plan for Bangalore, develop infrastructure and control land-use change in the functional urban region.

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<sup>6</sup> This PIL is discussed in detail in Chapter 6.3

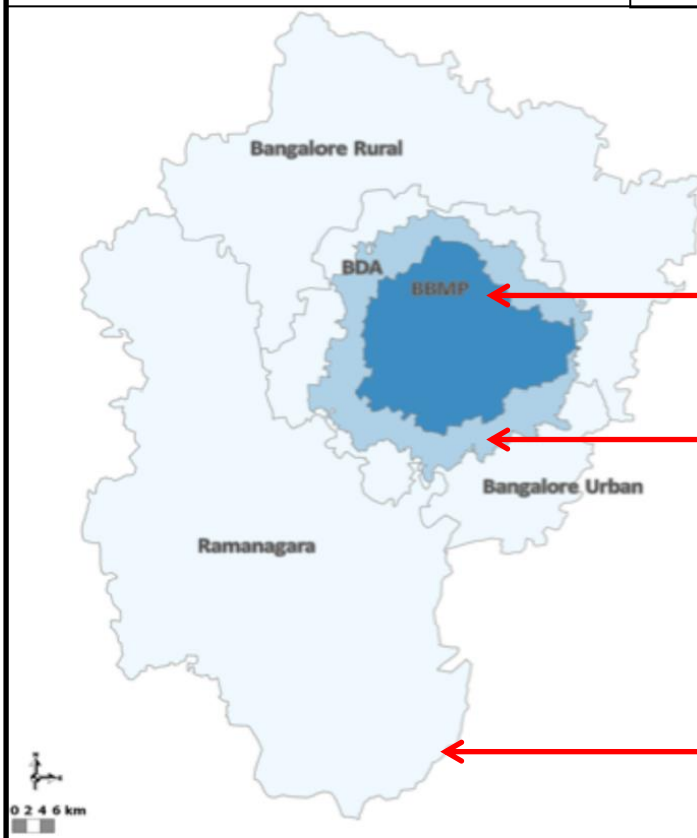


**Map 1**



India:  
Administrative Boundaries Map:  
Source: Census of India Maps

State of Karnataka:  
Administrative Boundaries:  
Source: Census of India Maps



BBMP:  
742 Sq. Km.

BDA  
1279 Sq. Km.

BMRDA  
8000 Sq. Km.

Administrative Boundaries: Bangalore. Source: Indian Institute of Human Settlement Analysis 2011 ([www.iihs.ac.in](http://www.iihs.ac.in))

Three plan documents were prepared in 1984, 1995 and 2005 to steer the growth and development of Bangalore. The BBMP, functioning under the Karnataka Municipal Corporations Act (KMC Act) 1976, shares the responsibility for plan implementation and enforcement along with the BDA in addition to their service provision responsibilities. The Karnataka Industrial Areas Development Board (KIADB) and the Karnataka Housing Board (KHB) are also engaged in land-use planning. The Bangalore Water Supply and Sewerage Board (BWSSB) manage water and sanitation and the Bangalore Metropolitan Transport Corporation (BMTC) and the Bangalore Metropolitan Land Transport Authority (BMLTA) plans and manages the city's transportation strategy. In addition to this array of institutions, the Bangalore Metropolitan Region Planning Authority (BMRDA) was established in 1985 under the BMRDA Act to develop a regional land-use plan, an institutional and spatial development strategy and a structural plan for the Bangalore Metropolitan Region and to coordinate among the different agencies engaged in varied forms of planning in Bangalore. In parallel, the Urban Development Department (UDD), functioning under the supervision of the Karnataka Ministry of Urban Development, provides technical advice to all the agencies and ministries involved in planning and implementation.

Further, many historians of Bangalore have shown that a lot of 'planning' went into the making of the city during the British colonial period from 1880's to the 1950's and the three decades after independence - from 1950's to the 1970's when the BDA and BBMP were instituted (Heitzman 2004; Nair 2005; Srinivas 2001).<sup>7</sup> Heitzman (2004: p283, 284) notes,

“The city was planned in a great detail throughout the twentieth century, bringing together a series of models bequeathed by a deep historical heritage and the master/structural plans initially influenced by the British Experience”.

Therefore, the scale of violations in the city of Bangalore is a paradox given the historic precedent as well as the presence of a number of authorities of planning, laws and acts, practice protocols and practitioners. The central

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<sup>7</sup> A brief outline of the planning history of Bangalore is presented in the **Appendix 2**.



question of my research therefore engages with this paradox. The main research question is examined through the following set of sub questions:

1. *What are the different forms of violations and their contestations in the non-poor neighbourhoods of Bangalore?*
2. *What are the various processes and practices through which these violations are produced, sustained and contested, and who are the various actors?*

### **1.3 Understanding planning violations : Violations and everyday life**

*Deviation* is the *norm* when it comes to planning regulations in Bangalore. Encountering different forms of violations directly or indirectly is part of everyday life that it is almost invisible and a large number of people have become in some way stakeholders to that order (ALF 2006, Nair 2005). The large number of stakeholders involved also means that planning irregularity has become a political question, beyond the simple enforcement of law and order.

A large part of the economy, housing and many forms of everyday habitation in Bangalore are constituted by different forms of violation of the planning laws. Everyday violations include: dumping garbage at the street corner; draining domestic and commercial waste into the storm water drains; landscaping and enclosing the pavement as one's front garden; building temples and shrines on the pavement; breaking traffic rules; not stopping at pedestrian crossing, exceeding noise limits during festivals; buildings that do not follow regulations on offsets, density, height, land-use, building use, fire safety; and buildings that don't even apply for planning permission. Illegal land-use conversion, for example from residential to commercial or industrial use or vice versa, or property development on agricultural land without official permission, and encroachments into green belt and protected environmental areas such as lakes, wetlands and parks are very common. Various parts of the city that people engage with on an everyday basis are very much part of this order. These include street markets, high streets, the doctors' clinic, workplaces, temples, apartment blocks, parking lots, the weekend resorts, computer centres, hardware shops, local stores, corner tea shops, gentlemen's clubs, internet

service providers, the dry cleaner's, the marriage halls, the nursery schools or shopping malls. There are illegal high streets, large business establishments, offices and upmarket residential complexes, hotels and resorts, and large religious establishments. Even the government violates its own land-use plan.

Such a state of affairs is a challenge to the popular and common scholastic imagination of informality and illegality as the domains of the urban poor in the global south. The scale, variety and omnipresence of violations and illegalities in Bangalore mean that various scholars who examine the city from a variety of perspectives confront violations during their research in different ways. For instance, Srinivas (2001) describes the many violations and conversions of large lakes and water tanks into stadia, shopping malls, bus stands, residential estates, and sports complexes and their impact on the cultural, ritual and civic life of Bangalore. Heitzman (2004) describes the various forms of illegal conversion of farmland, parks and water tanks for residential and sports complexes and industrial parks while discussing the role of various institutional arrangements in the emergence of Bangalore as a networked city in the global informational economy. Nair (2005) discusses the various forms of violation and state illegality in Bangalore while analysing the role of law, master planning and the politics of spatial imagination that contributed to the various transformations and the "Promise of Bangalore's twentieth century" (ibid). For example, she mentions the thousands of shrines and temples that encroach on footpaths and exclude pedestrians. She notes that, "These shrines exist everywhere; the official home of [the] chief minister opens onto a road that sports an illegal shrine" (Nair 2005: p.155). Such shrines sometimes even develop into large-scale projects over time, one example being Kemp Fort, a commercial building and children's play equipment warehouse (ibid). Further, Nair (2005) notes that,

"[In] 1997, [the] court appointed commissioner investigating public interest petition filed against Bangalore Development Authority found green belt full of stone walled compounds, enclosing potential cities. There were 336 layouts, 13 resorts, 42 crushers and quarries" (ibid: p.160).

Benjamin (2000, 2008) and Benjamin and Raman (2011) write about many

forms of illegalities and violations while defending the *occupancy urbanism* of informal economies, political clientelism of the urban poor and land politics in Bangalore. Rosario (2006) and Rosario and Laing (2006) describes a range of illegalities and violations while examining the role of law in recent urban transformations. Goldman (2010) encounters violations and illegalities while researching land speculation and Rangnathan et al (2009) while analysing the question of water in peri-urban Bangalore. D'zouza and Nagendra (2011) and Sundaresan (2011) encounter violations while examining the environmental and political ecology of lakes and urban public commons in Bangalore. It is not therefore surprising that violations occupy a prominent position in academic, media, legal and political discourses on Bangalore.

The precise impacts of violations are thought to be too varied and complex to analyze. Reclamation and encroachment of lakes, wetlands and green areas contribute to flooding as well as affecting the bio-diversity and microclimate. Indiscriminate land-use changes contribute to a lack of control over road traffic volume. Higher-than-regulated-for density and deviant land-uses might be contributing to the skyrocketing land prices and much skewed land markets. There are impacts on urban services such as parking, water, electricity, drainage and sewerage capacities. Moreover, neighbourhood disputes contribute to a large number of court cases and disputed land parcels.

### **1.3.1 Violations across history and geography**

One explanation for violations that I encountered frequently during my fieldwork is that the growth in Bangalore after the mid-1990s liberalisation and the subsequent Information Technology boom “took everyone by surprise”, especially the planning system. According to this explanation, a large number of violations occur where the Information Technology sector based growth is concentrated to accommodate demand for housing, office space and spill over activities, especially in southern and south eastern Bangalore.<sup>8</sup>

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<sup>8</sup> Map 2 p144.

However, as Heitzman (2004) and Nair (2005) demonstrate, violations in Bangalore are spread across the history and geography of the city. Heitzman (ibid, p.57) draws from various documentation that,

“If one counted all the unauthorized constructions that had come up by the mid-1980s, there were about 150,000; housing nearly one-fifth of the population of the agglomeration without official approval and without officially planned utilities or roads”.

Similarly, Nair (2005, p.128) notes that,

“from the late 1950s, unauthorized construction compensated for the poor provision of public housing for workers and that there were about 23,000 such structures on agricultural land in and around the city and unauthorized layouts emerged as a category in the reports of the Bangalore city corporation in the 1950s”.

These were/are called *revenue sites* and are illegal according to the planning law and the land-use plan.<sup>9</sup> It seems that revenue site holders had formed associations in order to press for the regularization of their illegal status as far back as 1967. So violations were understood to have helped to address housing shortages caused due to unviable planning laws (Benjamin 2000; Heitzman 2001; Nair 2005; Srinivas 2001,) civic amenity problems (for example, availability of land for sports complexes or marriage halls) and state inefficiencies. However, such violations occurred at every stage of the city’s sectoral growth: for example in the 1950s and 1960s if it addressed the needs of the industrial worker, in the 1970s and 1980s it addressed the needs of the public sector employee, the office workers and the students; and in the 1990s and 2000s it seemed to have helped the demands of the IT crowd.

Violations in Bangalore are also distributed across the urban geography and among various social groups. Nair (ibid) takes a tour of violations in the industrial areas in the north and west, of the slums within the city and in the peripheries, of the numerous erstwhile village lands that are trapped inside the BDA housing layouts in the city, in the green belt around the city, and in the new Information Technology enclaves in the south and southeast. Surveys by the

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<sup>9</sup> Drawing from articles in the Deccan Herald newspaper dated 15 may 1967 and 6 Jan 1968, Nair (2005) notes that about 100,000 revenue householders met at a meeting in 1967. Detailed discussion on the revenue layouts appear in Chapter 5.3.2.2

BDA in 2001 identified that 70 out of 132 violations identified in Koramangala (a wealthier neighbourhood) were land-use violations by Information Technology companies working in areas designated for residential use. There was also a case of an IT company that had encroached public land (ibid).<sup>10</sup> Moreover, as mentioned above, the state actors themselves were seen violating planning regulations, by building, for example, on lakes and water bodies, parks, and also by granting planning permission to projects that were in violation, or by regularising the violations.<sup>11</sup>

### **1.3.2 Violations as a site of law making**

The critical mass of planning violations is so high that the government comes up frequently with *regularization* laws to regularize unauthorised buildings and layouts. The first regularization bill was introduced in 1991 and the latest in 2007, even though exemptions and regularizations on a case-by-case basis have been a common practice throughout the last six decades.<sup>12</sup> The 2007 bill also coincides with the adoption of *mixed land use* as a land-use strategy in the most recent Master plan of 2005-2016. The authorities argued that since the ground reality of land use distribution was highly mixed, it was a more appropriate regime than a rigid separation of land uses. Further, irregularities with certain characteristics were either exempted or routinely regularized. When illegal properties are sold, land dealers, developers and individual property owners convince their clients that they can always regularize the violation after the purchase. Such routine regularization has saved many illegal buildings and developments from demolition.

### **1.3.3 Violations and local contestation**

The site of violation is not only a site of popular support but also a site of neighbourhood contest and mobilization. This is due to the various adverse impacts such violations cause: flooding, traffic congestion, parking problems and safety. Currently, a number of new neighbourhood planning collectives, along with NGOs and community organizations, have mobilized against planning

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<sup>10</sup> The case of Indya.com is mentioned in Nair (2005, p.135).

<sup>11</sup> Specific case based discussions appear on Chapter 5.

<sup>12</sup> See Chapter 5, Section 5.4.3 for a detailed discussion.

violations through the courts, political networks and public campaigns. These collectives argue, for example, that the strained parking provision and water and electricity supply, and additional noise, makes it difficult for the residents to go about their normal activities, even inside their own homes. They are not only disappointed by the failures of respective authorities for allowing irregular uses in the first place but are also fighting in court against the abovementioned regularization drive. They want planning authorities to *enforce the rule of law*, that is, to implement land-use zoning and building regulations. Many have even moved beyond the call for the rule of law to engage with the planning system and have begun to redraft the planning frameworks, in other words to redraft the rule of law itself.

#### **1.4 Planning and violations**

How are we to understand the violations, as profiled above in Bangalore? Planning violations have been a topic of research in urban studies and planning for about four decades now. However in this dissertation, I will argue that the approaches that dominate this literature - informality, implementation failure, and corruption - are grossly insufficient frameworks to explain the scale and pervasiveness of the phenomenon in Bangalore.

Studies of urban informality have been dominated by scholarship on the informal sector from developing countries, i.e. mainly on squatters, street vendors and slum residents. They argue that planning frameworks fail to plan for the urban poor and this results in illegality because poor people only manage to survive in cities by living outside of the formal planning system by using their electoral capital. Within this approach, violations are understood as something outside the plan, the planning system, planning practice and the planning regime. Different versions of this debate present violations as resistance, subversion, politics of the subalterns against their exclusion, or even as examples of the entrepreneurship of the poor (Benjamin 2000; Chatterjee 2004; Scott 1985; Sotelo 1989, 2001). Even though most of this scholarship has contributed immensely to understand the struggles and lives of poor people to carve out their own spaces of survival in opposition to the state and the rule of

law, it has been of little help when it comes to understanding the violations as described above. For example, it does not address violations present among rich and middle-class neighbourhoods, or those within the governance process itself. By locating planning and the rule of law as the formal process against which the violations are conceptualized and theorized, most studies on violations and informality have paid insufficient attention to the political process of governance that becomes the context within which there is any possibility of informality. Moreover such scholarship has been of little assistance when it comes to understanding how the planning process itself becomes entangled in its violation.

Similarly, failure to implement Master Plans is a common complaint of urban planners in India (ITPI 2004; Verma 2002). Within this tradition of scholarship usually seen in studies of state and governance and of public administration, violations are seen as being caused by insufficient institutional linkages for effective implementation, struggles between multiple institutions or an inappropriate plan where evaluation lessons from the previous plan have not been incorporated (Das 1981; Das 2007; Jain 2003, 2007, 2008; Kirby 1996; Routra 1993; Thiruppugazh 2008). The concept of the violation is viewed as an input-output problem or a problem of coordination or state capacity. This perspective assumes the existence of an implementable plan and a non-implementable plan and that the secret for successful implementation is to get the plan right, with better co-ordination between the implementing institutions and appropriate budget allocation (broadly represented as institutional capacity). Given that the geography of habitation in cities is regulated, such sustained violations are indeed the non-enforcement of the law. The task of this research project is to zoom in and find out how these are produced and connected with violations in the processes of planning and governance. These include violations of enforcement actions, violations of office hours in government offices, violations of protocols and procedures in the allocation of land, violations of terms of reference of one's service, violations of public interest when evoking the land acquisition act. Such violations of public service protocols, procedures and rules of practicing governance cannot merely have as

their object the rule of law, but also the making of rules and plans that violate public interest criteria. Public institutions in Bangalore are known to violate planning rules and protocols while building their own projects or while making plans. Government officials in Bangalore have been identified as actively involved in the production of many of the violations, as I will demonstrate in the subsequent chapters. Planning and administration laws are routinely violated while making the plan itself. Moreover, there are sections within the planning law in Bangalore that enables its own exceptions. Therefore, the suggestion that violations are implementation failures only restates the problem in different words. Violations and implementation failures are just two sides of the same coin. Similarly, violation is also ascribed to the corrupt practices of public officials who take bribes or favours for not performing their roles. However, conceived within a framework of an expectation of how formal structures and processes of public administration should ideally operate, this framework, like the previous one, suffers from its naïve approach towards everyday politics, and becomes analytically less helpful. In the following section, I shall outline the main conceptual tools that will be used to develop an analytical framework in this dissertation to explain the connection between planning process and violations in Bangalore.

### **1.5 Planning in Vernacular Governance - Main arguments and the dissertation outline.**

In this dissertation, I propose to understand the geography of planning violations as geography of *confluence* of everyday living, neighbourhood mobilizations, planning and governing in Bangalore. Examining violations can reveal how the practices of state, planning and society are embedded in each other. That is, I argue that a violation is a site, for instance, where the accident meets the casualty, where the commissioner meets his powerlessness, where the rule of law meets its context and a resident meets his/her neighbour, where the deviations of regulators meet the deviations by the regulated. When Carlton Towers burned and nine people died, it revealed a number of these confluences. The building owner blamed the officials for not inspecting; the officials blamed the building owner for not following rules; and citizen blogs



blamed the people who ran offices inside a property that did not have an Occupancy Certificate and the fire doors of which were locked. Violations are sites where casualties, flooding, traffic congestion, water scarcity, fire hazards, neighbourhood conflicts, resistance, greed and, above all, the planning process can be examined. Instead of defining the Plan and violations in oppositional terms, this dissertation uses land-use violations as sites to examine the culture of land-use planning practice. Violations of the plan, exemptions and regularization of the violations, changes to the land-use strategy in the new Master plan to accommodate pressures and the many types of local contest form, I shall argue, an integral part of the planning practice within the culture of governance in Bangalore.

To answer the research question therefore, this argument is elaborated in this dissertation as follows.

This thesis proposes that violations are an appropriate case to understand how planning processes operate within what I call the *vernacular governance*. Vernacular governance is a concept that resonates with ideas such as 'vernacular feet of clay' from Kaviraj (1999), 'micro politics of the local' in the work of Corbridge et al (2005), 'private' and 'shadow states' identified by Harris-White (2003), and 'blurred boundaries' and the 'embedded state' in the anthropological studies of the Indian state (Fuller and Benei 2001; Gupta 1995; Sharma and Gupta 2005). Using a theoretical framework from governance networks that conceptualizes governance outcomes as the result of the involvement of a variety of actors from both within and outside the government, I argue that violations in Bangalore should be understood as the *outcome of a networked planning practice* and are a useful geographic and policy site to understand the politics of planning practice. Through such arguments, I do not question the potential role of the state as a location for empowerment or delivery of justice; this research is mainly concerned with explaining how and why the sites of violations emerge in Bangalore amidst the large number of formal institutional frameworks of planning and urban governance. To develop such a conceptual framework, this dissertation builds

on a wide range of literature, including theories on policy implementation, anthropologies of the everyday state and governance networks which look at how state processes function when embedded within particular socio-cultural and political contexts. In *Chapter 2*, I review this literature and outline this conceptual and theoretical framework.

Methodologically, I have conducted this research mainly based on a wealthy neighbourhood named *Koramangala* in Bangalore. Within Koramangala,<sup>13</sup> I have selected specific projects that can anchor the problem of production, sustenance and contest of violations, revealing the specific modalities through which such projects and processes came into being. My foci within Koramangala include residential projects, lake encroachments, property litigation, conflicts and negotiations over urban commons and the working process of resident collectives as well as their negotiations and struggles. In *Chapter 3*, I detail this methodology, while also drawing from a wide range of literature on methodology to discuss my research motivations, rationale and strategies for case selection, process of theorisation, and the specific details of what I call *ethnography of planning networks*, including issues of insider/outsider, reflexivity, scope and research ethics. In this chapter, I also discuss how the various case studies were identified and connected with each other during analysis, including projects, court cases, neighbourhood activism, and policies and planning process.

*Chapter 4* maps the official apparatus that controls and regulates the land use change, i.e. the institutional architecture, planning policy and legal setup, planning instruments, practitioners and the procedures of practice. This chapter aims to present the formal system of land use control as it currently exists in Bangalore, and problematizes the extensive violation as a paradox. In the analytical chapters that follow, this discussion will be drawn out while examining how this system is put into practice. Data for the chapter is derived from analysis of policy documents and laws and acts as well as from interviews with practitioners.

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<sup>13</sup> Map 5 p171

In chapters 5 and 6, I examine in detail how violations are produced, sustained and contested by zooming in on the actors and processes. Here, I will show how the planning process operates through informal associational networks rather than the structure of administrative bureaucracy that is outlined in Chapter 4. Considering the violations as a geographic site to examine planning process reveal that planning is dependent on the actions of a large network of people in various forms of associational relationships located within and outside the government.

In Chapter 5, Planning in vernacular governance – Land Use Planning and Private Interest Networks, I show that planning practice in Bangalore is actually characterized by many micro informal negotiations circumventing or using the formal planning system. Critiquing the literature on informality and developing it to deploy the notion of *culture of governance*, I argue that land-use violations are an outcome of many micro negotiations that occur within the practice of *vernacular governance*. In this chapter, I demonstrate how planning practice is connected directly and indirectly to the violations through developing two categories: *plan violations* and *planning for violations*. ‘Plan violations’ analyze the actors and various procedures involved in the processes of violating the plan. ‘Planning for violations’ analyzes how plan-making responds to violations and makes them legal by such means as converting *mixed-up* land-use areas into *mixed-use* zones or adopting regularization schemes to save the illegal constructions from lawsuits. I call such strategies *appropriate governance*, while the methods of using legal and administrative means to achieve violations I term as *appropriating governance*. ‘Plan violations’ and ‘planning for violations’ together demonstrate the planning networks that produce private interest outcomes in Bangalore.

In Chapter 6 From partners in crime to mutual surveillance: Planning and ‘Public Interest Networks’, I discuss the emergent planning collectives that strive to transform the private interest planning practice in Bangalore into a practice that produces public interest outcomes, whilst operating within the vernacular.

In the chapter, I demonstrate how a variety of neighbourhood collectives work using Public Interest Litigation (PIL), political pressure, public debates and multiple media negotiations, and look at how they learn and manage to engage in the planning and political system for what they think are public interest outcomes. Presenting detailed case studies of local collectives, I argue that regulatory planning practice is better understood as the result of various micro negotiations and mutual surveillances within society rather than the outcome of a static simplified institutional design of the state apparatus. This chapter also proposes to rethink the way urban social activism in non-poor urban India is classified as 'middle class', 'elite' or 'corporate activism'. I argue that the geography of planning activism in Bangalore is inhabited by a variety of interest groups with very different agendas.

In *Chapter 7, Anarchy and authority – Planning Power in Vernacular Governance*, I analyze how planning power and authority operate in Bangalore. Drawing from the theories on power in governance networks, and by conceptualizing regulatory planning as a means of exercising power for the control of social production of the urban landscape, and violations as a site of its negation, I will show how planning power operates within the vernacular governance networks of Bangalore. Drawing from the relational notion of power (Latour 1986) and micro politics of power (Foucault 2000) reviewed in Chapter 2, I argue that planning power in Bangalore is better understood as being widely distributed among a range of actors in society rather than concentrated in the institutional system of planning and administration as might be expected in the design of the comprehensive land-use planning system. I demonstrate that the many forms of political negotiation are sites of planning power at different levels within the socio-institutional networks that operate in the culture of vernacular governance. Further, I also examine the role of consent and coercion in understanding regulatory planning in complex democratic contexts. I argue that regulatory planning depends a lot on the consent of the governed, on the governing ideology and on a tacit agreement to engage in mutual surveillance within society, and that these are important lessons for the institutional design of a planning process.

*Chapter 8, Conclusion* summarises the research findings and my main contributions to the field. In particular I elaborate the implications of my research findings on planning reform in India and the importance of empirical studies of planning practice for the development of planning theory. Further, in this chapter, I also examine the implications of my research findings for studying the state and governance in India.

### **1.6 Conclusion**

Planning and administration in Bangalore is a result of a century of evolution influenced by local and government elites, state-led modernisation imperatives and ideologies, British and other epistemic influences, and various contingencies, for example, “housing the [industrial] worker” as Nair puts it (Nair 2005). Examining the current planning practice through the lens of violations, this thesis will demonstrate how everyday politics operate through planning practice and in particular how planning power operates within the current culture of governance. Locating planning practice as embedded within the administrative bureaucratic ensemble and democratic political culture of the local and regional state government, and conceptualizing violations as a confluence of this interaction, I argue that planning power is active at various levels of the governance networks instead of being hierarchically distributed in the political and administrative apparatus of urban governance. Therefore, I propose that planning theory should take into serious consideration the culture of governance within which various planning systems are embedded or developed. Further, I propose that this experience compels us to re-examine how we theorize state and public authority in India.

## Chapter 2

### Conceptual approach and theoretical framework

#### 2.1 Introduction

In the previous chapter, I presented the paradox of pervasive and persistent planning violations in Bangalore in the context of the institutional structure of planning, i.e. the planning organizations, planning policy and laws, regularly updated land-use planning instruments and the elaborate implementation and enforcement framework. Violations as a conspicuous, dynamic and active site where low levels of enforcement actions, high levels of politics of regularization and many forms of neighbourhood contestation converged encouraged me to ask the following question:

*Why, and how, are land-use violations in the non-poor neighbourhoods of Bangalore produced, sustained and contested despite the presence of the elaborate planning implementation and enforcement mechanisms?*

In asking this question, this dissertation seeks to uncover the relationship between violations and the planning processes. The term *violation* is adopted from the field as a category used in the everyday policy, activist and public discourse. As mentioned in the example of Carlton Towers in Chapter 1, the term violations implies *violating* some sort of planning norm. In this research, I focus specifically on violations of land-use planning regulations.

The main objective of this chapter is to discuss and outline how to conceptualize the violations. Defined functionally, every land-use violation is a deviation from the zonal land-use plan. However, as I realized in the process of this research, violations conceptualized as a deviation from an existing plan document inadequately grasps the complexity of the problem as it constructs *the plan* and *its violation* as oppositional categories. Such a conceptualization misses out on the politics within the very planning process itself. I discovered that violations offer a rich ethnographic site to examine the politics of planning practice in Bangalore. Even though this research has examined how exactly people violate

planning norms and how the plan implementation processes work, I emphasize the space of interaction between planning processes and the social and political context within which it occurs.

In this chapter, I outline the conceptual and theoretical frameworks employed to examine violations as a domain of state-society interaction. Using these frameworks for analysis, I will show how violations result from the various associational networks that inhabit the land-use planning process in Bangalore.

The analysis presented here involves a series of conceptual shifts to move beyond a functional explanation of violations. First and fundamental to this approach is the move from the category of *the state* to that of *governance*. *Governance* is conceptualized as that which occurs at the spaces of interaction between various actors in the state and society rather than conducted by a monolithic and powerful state. The second conceptual shift involves moving beyond the understanding of planning as decision-making to the examination of the connections between planning practices and their outcomes. The third shift that follows from this understands violation as the outcome of planning practice rather than a deviation from the plan.

These arguments are organized in this chapter as follows. In Section 2.2 I begin with a critical review of the key approaches that currently exist in the scholarship which conceptualizes violations as deviations of the sovereign power of the state (in particular, informality, implementation failure and corruption). I argue that such conceptualizations are highly inadequate owing to their assumptions about the formal *state*. Further in Section 2.3, I examine the complexity of studying *the state* by reviewing literature from political analysis and anthropology of the everyday state and I propose to think about *culture of governance*. This is followed by Section 2.4 where I develop a new language called *Vernacular Governance* building on concepts of governance, network governance, political society and the vernacular. This language attempts to account for the role of various local networks and processes that define the space and shape of governance. Following this, in Section 2.5, I argue

that violations should be understood as an outcome of the planning practice rather than its deviation. Section 2.6 develops an analytical framework to examine private and public interest networks within the planning practice and outlines the analytical framework to examine planning power.

## **2.2 Violations as deviations: informality, implementation failure and corruption**

Land-use violations have been examined in a variety of ways in urban studies, development studies, urban governance and planning studies. Existing scholarship can be categorised into three broad approaches, each of which is discussed in this section. The first conceptualizes violations as *informality, illegality or irregularity*; the second as an *implementation failure* and the third as instances of *corruption*. I provide a critical review of this scholarship below and examine their limits in explaining violations. In doing so, I argue that these approaches conceive violations within the informal-formal or state-society dualism and also take for granted the notion of *the state* as a macro, abstract, public, hierarchical and powerful entity capable of governing a complex society.

### **2.2.1 Violation as informality, illegality, irregularity**

Spaces and practices of violation have been explained in a variety of ways by researchers of informality, illegality and irregularity over the last six decades in development studies, urban studies, planning and geography. They have developed a range of conceptual categories by conducting research on diverse empirical contexts and social groups. Examples include informality as *self-help and entrepreneurship* from Peru (Soto 1989, 2001; Turner 1969, 1972, 1976) *informal sector* from Kenya (Hart 1973), *insurgent citizenship* from Sao Paulo (Holston 1998, 2008), *street politics* from Iran and *quiet rebels* from Cairo (Bayat 2000), *extra-legal* from Egypt (Soliman 2004, 2007), *occupancy urbanism* from Delhi and Bangalore (Benjamin 2007, 2008), *idiom of planning and state of exception* from Calcutta (Roy 2005, 2009) and *meshwork practices* from Mumbai (McFarlane 2012). Three broad ideas can be identified:

1. Informality as a sector deviating from the formal



2. Informality as a state of exception – as a state strategy
3. Informality as a practice.

### **2.2.1.1 The Informal Sector**

Looking particularly at cities in the global south, scholarship on urban informality has been dominated until recently by studies on the spaces and practices of the *informals*. These are mainly squatters, street vendors, slum residents and informal labour, usually represented as the *informal sector* (McFarlane 2012; Roy and AlSayyad 2004). This scholarship predominantly examines how the urban poor of developing countries manage to make a living through informal labour markets, settle in illegal squats and slums, and obtain services through informal political relationships, as well as examining how *the state* manages them.

McFarlane argues that such trends in scholarship can be seen as guided by ideas that are *territorial, organizational, governmental* and *negotiatory* (McFarlane 2012a, 2012b). As early as 1989, Castells et al (Castells et al 1989) argued that the informal economy is not a set of survival activities performed by destitute people on the margins of society; nor is it a euphemism for poverty, but rather a specific form of relationships of production (ibid, p.12). Nonetheless, subsequent studies, particularly those that dealt with developing countries, continued to focus on the life of poor people in its crowded cities. Many scholars working within and even critical of this development tradition continued to examine the sites and practices of planning violations by the urban poor.<sup>14</sup> They have produced knowledge on, for example, the entrepreneurship of the poor (Hart 1973, Sotto 1989, 2001; Turner 1969, 1972, 1976), the exercise of state power on the poor (Bhaviskar 2003, Ghertner 2010 2011), the marginalisation of the poor (Benjamin 2000, 2004; Benjamin and Raman 2001) the production of citizenship (Holtson 1998), practices of resistance (Chatterjee 2004, Scott

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<sup>14</sup> Dominant development scholarship as developed in the academies in the West was primarily concerned with the questions of economic development and poverty in the developing south. Therefore, within that frame, the academic gaze had been dominated by questions of state accumulation, the relationship between state, market and civil society and the role of formal institutions of the state. Prominent scholarship –even the critical ones have revolved around studying the poor people in the global south.

1985), global solidarities of localities (Appadurai 2000, 2001; Satterthwaite 2001, 2008) and self-help (Turner 1969, 1972, 1976). Such studies argue that planning documents and formal frameworks fail to plan for the urban poor and this result in violations and illegalities. They demonstrate how the urban poor manage to survive in cities by subverting the exclusionary state apparatus using their communal and political capital. Violation, in this framework, is understood as something outside the plan, the planning system, planning practice and the planning regime. Violations are the domain of the urban poor and plan and planning are the domains of others: the working class, the middle class, the rich and the elite. The poor accordingly live in the geography of *violation* and the non-poor live in the geography of *the plan*.

Even though such studies help us to understand how poor people proactively organize conditions to live in cities and how they access services and entitlements from the state using social and political capital, their fundamental conceptualization of violation as a deviation from the formal, the legal and the regular locates violation not only outside of state and planning but also restricts it to a domain of the poor. It has been amply demonstrated in the previous chapter, and more discussion on this will be presented in the forthcoming chapters that violation in Bangalore and in many Indian cities is not just the domain of the poor and not just a problem that can be understood outside of the state and formal planning.<sup>15</sup>

### **2.2.1.2 Informality and the state of exception**

The second turn in informality studies emerged when the practice of informality, particularly in relation to planning violations, was also recognized as a domain of the lower middle class, the middle class as well as the rich people in developing countries (Ghertner 2010, 2011; Hassan 2004; Holston 1998, 2008; Roy 2002; Roy and Alsayyad 2004; Soliman 2007, Ward 2004). Many of these authors looked at the changing forms of production of informality in the

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<sup>15</sup> In the case of Delhi, See, “Court questions sealing relief law”, *Down to Earth*, April 15, 2012, available from <http://www.downtoearth.org.in/content/court-questions-sealing-relief-law>

developing South within the context of globalisation and liberalisation.

Drawing from Agamben (2005), Roy (2009) conceptualizes informality as occurring in spaces of *exception*. She argues that informality is not synonymous with poverty and it is not a state of *un-regulation*; instead it is a state of *de-regulation*. Contrary to the previous conceptualization where informality is conceived as a deviation from planning and located outside *institutionalized regulation* as Portes et al (1989) argued, Roy (2009) posits that informality should be conceptualized as a *characteristic style of planning* in the global South. For Roy, it is the informality of the state from above; it is not just resistance or subversion; it is a strategy of the *structural* state power exercised based on the logic of the *state of exception*. It is argued that the neo-liberal state suspends its own rules and regulations in order to establish its sovereign authority upon the population. Using the Indian state as a proxy to the global South, she argues that the state establishes its sovereign capability not only through mapping (formality) but also through un-mapping (informality). Such territorial flexibilities, it is argued, allows the state to wield considerable power. Here, informality is considered as a strategy of the sovereign state power (Roy, 2005 2009).<sup>16</sup>

### **2.2.1.3 Informality as a practice**

Even though not in direct critical engagement with the *state of exception* approach, McFarlane (2012), using a conceptual framework of the *meshwork*, argues that informality and formality can be understood as forms of practices that relate to each other in a variety of forms. He states,

“From this perspective, rather than viewing informality and formality as fixed categories, or as mutually exclusive, the two appear as lines of changing practice and movement, taking place not above or in advance of urban life, but within its unfolding” (McFarlane 2012, p.101).

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<sup>16</sup>Roy and Alsayad’s project, as described in their 2004 book on informality, focuses on the relationship between state and informality within the context of globalisation and liberalisation. This is the main analytical task undertaken in the subsequent essays on informality that Roy develops. Since then a range of literature has emerged that adopts this framework. For example, Ghertner examines how the neo-liberal state in Delhi approaches the informality of the urban poor in a different manner to that of the rich (Ghertner 2010, 2011).

He asserts that people, officials, residents and so on move between the informal and the formal quite seamlessly in cities not only over the course of their lives, but even within a day, and that what is important is to examine the various forms of relationships between the formal and the informal. He argues that in the progress of urban life, people *construct, compose, collaborate* and *speculate* on different forms of relationship between formal and informal domains. In that process, urban life emerges as a collection of networks and relationships that form the meshwork of urban life (McFarlane 2012; McFarlane and Waibel 2012).

Discussion and Critique of informality: Various forms of violation conducted by actors across social groups and even by the state challenges the conception of violation as deviation or as the domain of the urban poor. The various instances of powerlessness of state actors (the example of Carlton Towers and the Police Commissioner's lack of power) and historical continuity of this powerlessness in Bangalore challenge the conception of planning as an exercise of state power under neo-liberal developmentalism, and render it unhelpful in explaining the violations that I described in Bangalore. I argue that the conceptualizations of the state as a monolithic and powerful actor (or not an actor at all in the case of McFarlane's meshwork practices) and of planning as a top-down activity remain a key feature and weakness in the abovementioned analytical trends in informality. Though it is a new step in theorising informality, the notion of *informality as a practice* in the construction and composition of urban life is not very helpful for a detailed analysis of violations. However, it is a useful conceptual reference point and through my own analysis using different conceptualizations of the state, governance and planning processes, I will show how it is connected to the politics of planning practice.

Many of these studies sometimes do include the caveat that the *state* is a realm of multiple institutions. However, their authors seldom examine the implication of such a caveat on the notion of *the state* itself, the characteristics of which they seem to be interested in exploring, especially the discourse of informality, only as a strategy of the neo-liberal state. Even though this scholarship is empirically

very rich, its emphasis on the dualism between the informal and the formal fails to lead to an in-depth examination of the process of planning itself within the context of empirical realities. However, as the empirical chapters of this research will demonstrate, I do take cues from a number of the discussions above and critically reinterpret them in the process of explaining violations in Bangalore.

In the next section I review the usefulness of conceptualizing violations as implementation failure.

### **2.2.2 Violation as implementation failure**

The failure of Master plan implementation is one of the common complaints of urban planners in India (ITPI 2004). The implementation gap is so large that in 2009 the National Ministry of Urban Development instructed some academic institutions to lead a process of rethinking the usefulness of a *Master Plan* as an instrument to organize the rapid urbanization of the cities and regions.<sup>17</sup>

In the studies on the state, government, public policy and public administration, violations are commonly explained as the result of insufficient institutional linkages for effective implementation, gaps between multiple institutions, resource constraints or an inappropriate plan (Das 1981; Das 2007; ITPI 2004; Jain 2003, 2008; Kirby 1996; Routray 1993; Tiruppugazh 2008). Within this framework, there are assumptions that there is an implementable plan and a non-implementable plan, and that the secret to implementation success involves getting the plan right, improving co-ordination between the institutions of implementation, increasing resources, finding the appropriate budget for allocation and identifying the right level of government organization to be in control. Implementation success therefore, is usually represented as a

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<sup>17</sup> The 'Beyond the Master Plan' conference was held in different parts of the country in 2009 sponsored by the Ministry of Urban Development, Govt of India. I was present at one of the concluding sessions in Delhi and many senior planners in the country asserted that the Master Plan is an effective instrument and that the real problem is the failure to implement it and that the main factor behind implementation failure was institutional incoherence and the non-availability of adequate resources.

question of institutional capacity and appropriateness<sup>18</sup> (Alfasi 2006; Brody and Highfield 2005; Laurian et al 2004a, 2004b; Sabatier 1986; Seasons 2003).

In this context, violations are then understood as a technical problem: problems with the plan, the planning system and the structure of administrative machine that need fixing from time to time. Accordingly, they suggest that the problems can be prevented or fixed by improving coordination and monitoring, improving institutional linkages, promoting decentralisation, and the streamlining of administration process, or the removal of red tape. Stallmeyer (2011), for instance, asserts that a lack of better coordination resulted in the illegal reclamation of lakes in certain neighbourhoods of Bangalore. The state's capacity (knowledge, resources, technology, and attitude) and the right policy and plan in the correct format are proposed in order to check violations by improving planning and administrative inefficiency.

Such representations, not surprisingly, often result in attempts to get the institutions *right*, with higher levels of accountability, transparency, and hierarchy in the hope that it will result in higher implementation efficiency and better enforcement of the rule of law. So, influenced by such a premise, many international aid agency-funded projects are being implemented at various state and local government levels in India to achieve *good governance*, integrated *sustainable urban governance*, *institutional capacity* and improved *accountability*. (UNDP 2005, Rao and Bird 2011)

Critique of Implementation failure: How do we understand implementation failure? Wildavsky argues that *implementation* is a very elusive subject of inquiry and that implementation research depends on what exactly one is interested in explaining at any point in time (Pressman and Wildavsky 1984). In his brilliant essay "If planning is everything, maybe it's nothing," Wildavsky (1973) reminds us that one cannot have unreasonable expectations of planning and planners and categorically construct notions of planning failures. To him it is not surprising then that planning fails. He states, "If formal planning fails not

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merely in one nation at a time, but virtually [in] all nations all the time, the defects are unlikely to be found in the maladroit or untalented planners” (Wildavsky 1973, p.153). Faludi and Alexander corroborate the point by referring to various forms of plan implementation failures across the world (Alexander and Faludi 1989). According to Wildavsky (ibid), integral to the idea of *planning as future control* involves a wide range of questions related to the role of causative theory, power, adaptation, process, political or other forms of intentions, rationality, etc. that makes the immense responsibility that is often expected from planning almost impossible. He argues that this makes planning a kind of faith - “planning is not so much a subject for social scientists as for the theologian” (Wildavsky 1973, p.153) - and hypothesises that failures are integral to the very nature of the expectation. He proposes that instead, planning failures might have to be understood as the way society works in particular places and in particular conditions and as a “function of society’s ability to control its future”(ibid, p.153).

I argue that conceptualizing violations as implementation failure reveals a naïve approach about the political agency of the people involved in governing and is also normative in their approach about the idea of *the state*. Violations are of course implementation failures, if by failure we mean failure of the state authorities and concerned officials to implement land-use regulations. However, describing violations as an implementation problem is only restating the obvious in a different way. I posit that they are two sides of the same coin. It is important to recognize that there is an expectation about planning and implementation that produces this representation of failure. I argue in the following sections that the idea of implementation failure comes out of particular assumptions about the nature of the state, of bureaucracy and of policy, crucially the expectation that the implementation process is something that operates only within the domain of watertight government machinery. The common implementation failure framework ignores the complexities of the practice of social governance, which is a result of multiple modes of socio-political interaction between actors inside and outside government.

In the following section I review the usefulness of conceptualizing violations as corruption.

### **2.2.3 Violation as corruption**

Corruption is a very slippery concept to define and to become analytically useful in the context of violations (Gupta 2012; Haller and Shore 2005; Roberston 2006). Still, it enjoys a robust presence in the everyday social perception of governance in Bangalore and beyond, as well as in academic scholarship on public administration, planning and governance. Definitions of corruption often involve the relationship between the notion of *self-interested human beings* and the notion of *public office* and are identified as the use of public office for private benefit (Heidenheimer 1989).<sup>19</sup> Such a portrayal presumes the notion of proper behaviour by the public officeholder in accordance with the rule of law and expectations of conduct in public office. Williams (1999) states, “the public office and public interest definitions of corruption share the understanding that the common good is best served when officials adhere to the formal duties of public roles” (p.506). This means that not only procedural adherence but also the moral implications of one’s action are invoked in the definitions of corruption.

However, not all rules and regulations may be just or always represent notions of the common good from all perspectives. Norms and the notion of public interest may vary according to time, place and the observer - for example, political activism often involves campaigns for changing the rules. Therefore, adherence to rules while in public office can become an unhelpful framework when categorising an action or a person as corrupt.

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<sup>19</sup> Heidenheimer (1989) on his handbook of political corruption notes: “The largest group of social scientists follows the Oxford English Dictionary (OED) definition and relates their definitions of corruption essentially to concepts concerning the duties of the public office. A smaller group develop definitions that are primarily related to demand, supply and exchange concepts derived from economic theory; while a third group discuss corruption more with regard to the concept of public interest” (p.8). Citing the definition of corruption by several key authors in the two volumes, like (Bayley (1989), Nye (1989), Klaveeran (1989), Leff (1989) and Friedrich (1989), Heidenheimer notes that public interest is a very subjective concept and hence what is considered corrupt or not is open to interpretation of the observer. (Heidenheimer (1989), p.7, 8, 9, 10)



Relying on the concept of self-interested agents, the principal-agent framework models corruption as a problem that occurs when an agent, who is contracted by a principal to act on their behalf, behaves in the agent's own interest, deviant from the contract under which they were initially appointed by their principals (2000a, 2000b, 2000c). Williams (ibid) adds that often this relation has another party to it: the clients. Even though a principal can be understood as the higher political authority (or state) and the agent as the administrative bureaucracy (the public servants) one has to understand the people as the ultimate clients. Whenever the principal might want the agent to act in ways that are not formally agreed to in the contract, as frequently happens in political and administrative organizations, this makes the position of the agent more complicated than can be categorised simply as corruption. This is because the agent's notion of public interest could correspond to the larger principality (i.e. the people or an abstract idea of the state or public interest). This means that there could be conflict between the expectations of the two principals or between the principals and clients, placed on the agent. Identifying which of these expectations the agents should comply with becomes a complicated task. These problems challenge the usefulness of corruption as an analytical tool.

Moving away from the public office-based explanation, another conceptualization of corruption is described as when an agent engages in *rent seeking*. *Rents* are monies that can be made due to the location of the actor in charge of any monopoly (ibid). Understanding the state and bureaucratic administrative relations as an organizational structure, and planning permission and regulations as a state monopoly, it is possible, for instance, to foresee violation as being produced through rent seeking. However, like the principal-agent framework, the rent-seeking framework also considers structure, hierarchy and operational regulations in organizations in general assuming neat organizational settings.

Critique of corruption: In operations of political government, neat organizational settings are not available for analysis to identify distinctly the principal, agent and clients. As Williams (1999, 2000a) argues, the idea of

corruption presupposes the very possibility of a neatly performing public official, state, society and economy according to rules and norms, thereby underplaying the idea of politics. He notes, “The public office and public interest notions of corruption appear to rest on the existence of settled, agreed political orders” (Williams 1999, p.510), which assumes a neat division between the state, society and economy and legitimate interaction between them. As Williams states, “much of the debate about defining corruption is really about competing conceptions of the nature of politics” (1999, p.516). Further as Gupta notes, “often such a view of corruption is built on the model of the Weberian bureaucrat, that is, the role fulfilling, disinterested professional occupying a particular location in an organizational structure based solely on professional competence and merit” (Gupta 2012, p.81).

Moreover, there is also a presupposition that agents or public officials can act in ways that they decide always, without appreciating the complexity of the institutional and interactive context of practicing governance. For example, in his very fine-grained analysis of canal irrigation in south India, Robert Wade (1982, 1985) revealed how even if certain engineers and officers wanted to opt out of the corrupt practices, they could not because different forms of *disciplining* were in practice, including transfers and appointments.<sup>20</sup> Demonstrating how canal irrigation is more about human relations than about rational engineering of the canals - as one of his interviewees put it, “Water management is 25 per cent water and 75 per cent people” (Wade 1982, p.309) - he showed how the networks of engineers, ministers, members of the legislative assembly, local contractors, farmers and secretaries run an interlinked governance process. Even though this process is closely connected to the official process, it is fundamentally different from the expected outcomes. The rules that would enable the water to flow to the agricultural fields have more to do with how these networks of governance operate rather than technologies of canal engineering, administrative structures and representational politics taken separately. Canal irrigation is the result of how governance networks and the *rules* of local processes operate.

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<sup>20</sup> This is a field work was conducted long before the dawn of the neo-liberal state in India.

Violation is indeed a site of corruption when understood in legal terms, in public office terms, in principal-agent terms and in rent-seeking terms, all at the same time. However, explaining the site of violation and its relationship with planning require a more innovative framework than corruption. For instance, the relationship of violations with regularization, neighbourhood mobilisation and popular demand challenges the use of such exclusive analytical frameworks. Violation as a site - for instance of neighbourhood contestation or of the police superior's powerlessness - will be insufficiently examined through the analysis of corruption. Even as a site where different kinds of corrupt practice can be identified, violation offers an opportunity to understand the culture and politics in the planning process. In the following section, I attempt to outline such a framework that would enable a reconceptualization of violation.

#### **2.2.4 Interim conclusion**

To recap, I argued that the three frameworks discussed above: - informality, implementation failure and corruption, even though might be useful to understand the state or society side of social governance, they are insufficient to understand violations as produced at the site of state-society interaction. The informality-irregularity-illegality approach is either preoccupied with how the urban poor subvert the formal, regular and legal in enabling a livelihood, or how the neo-liberal state exercise its control over a population through establishing states of exception. The implementation discourse concentrates on the state and bureaucratic side of the problem. And the corruption framework functions within a particular imagination about the operation of public administration. In the following sections, I propose a conceptual shift from this state-society dualism and attempt to develop a framework for analysis that conceptualizes the space of the formal state itself as a space of multiple negotiations and contest embedded in local social relations.

### 2.3 Re-conceptualizing violation

Reconceptualization of violations as necessitated in the case of Bangalore, I argue, involves an appropriate conceptualization of planning and state. Peter Hall argues that the roots of modern town planning go back to the anarchist response to the difficult living conditions that emerged during industrialisation (Hall 2002). Since then, various epistemologies and local contingencies have been instrumental in shaping urban planning frameworks in different parts of the world. However, the one common feature across these varied geographies is that planning became a formal institutional practice in most parts of the world when state governments enacted planning laws that gave them the legitimate right and duty to propose, control or intervene in urban areas. The variety of concerns that guide modern land-use planning processes include protection of the environment, steering economic and population growth, ensuring the quality of life by controlling density and typology, preventing negative externalities, promoting economic development, equitable distribution, sanitation, provision of affordable housing, open spaces and so on. Private property and the private sector-led property development process also increased the relevance of controlling urban land use through zoning regulations to manage the urban transformation. To this end, planning became a statutory activity with planning acts and laws and legal institutional infrastructure to support the policy decisions made by the executive, endorsed by the legislature and implemented through the planning and administrative apparatuses of the state. A large number of epistemologies and accordingly different practice cultures can be seen in different parts of the world that are normally referred to as modern town planning (Sanyal 2005a). Friedmann, for example, points out how the *social reform tradition* in planning philosophy emphasized the role of the state in societal guidance even though the various models ranged from comprehensive planning, disjointed instrumentalism, piecemeal social engineering, local or centralised planning. He notes, “those writing in this tradition regard planning as a scientific endeavour, [and] advocate[d] a strong role for the state, which they understood to have both mediating and authoritative functions (Friedmann 1987, p.76/77, emphasis in original). As the function of the state, once the plan is made with the help of

experts and accepted by the state, its implementation is to be carried out through the executive and its hierarchical bureaucratic processes. Planning thus came to be understood as an *arm of the modern nation state* (Robinson 1995 p.27; Yiftachel 1998, 2002).

Various theories of the state influenced the ways in which planning has been theorized. For example, when the state is conceptualized as a location for class struggle or as the space of the bourgeoisie, planning is also identified as a space for class struggle or as a practice that aids bourgeois or elite interests through the protection of private property. When the notion of the state is replaced by *governmentality*, planning is conceptualized as the means by which surveillance and social control is exercised. Similarly, state theories using the concept of neo-liberalism portray planning as one of the instrumental processes that aids private accumulation instead of enabling the public interest, and sovereign-state theories portray planning as the tool of that sovereign.

What is striking in these representations is that the state is seen as a monolithic and unitary agency that is capable of intervening in markets and regulating social behaviour. The state occupies a mystic invisible form, similar to the idea of the *invisible hand* of markets. For example Scott's (1998) seminal work on the authoritarian high modernist state argues that the benevolent state turns into some kind of monster against its people due to its high modernist ideology. Even though the state wants to be beneficial, it invariably ends up authoritarian to its subjects and planning becomes one of the arms of the state that works as the state wants. Such studies extend the particular conceptualizations of the state to the case of planning practice. Similarly we have studies of the nature of planning in a developmental state (Roy 2002, 2009), a state under Thatcherism (Thornley 1991), and a high modernist state (Scott 1998).

But what is the nature of the state and how does one study the democratic state? Is the *state* available and amenable for analysis? If we look closely at the performance of institutions that collectively represent the *state*, we can see that the *monolithic idea* of the state acting as a unified whole is a misrepresentation.

The legislature, the executive and the judiciary are not always in sync: the different institutions that form each of those horizontals within the collective state also act in discordance. In India, one can point out innumerable such instances.<sup>21</sup> Moreover, different levels of government may even work against each other due to political realities. A monolithic idea of the state where all its constituents are collapsed into one identity is not a realist representation of the way government institutions form as a collective in many countries. It also cannot be the basis on which the outcomes of governance and the practice of politics can be explained.

Statutory Land use control is indeed the domain of the state and it is a practice that reveals the nature of the state. However, I argue that the conceptualization of state and planning should involve an examination of how this control process works in particular places at particular times. Conceptualizing violations therefore involves conceptualizing how governance works in particular contexts and how planning power is exercised or operated in these contexts. For this, given the challenges posed by the case of violations in Bangalore, I propose to move beyond a monolithic conception of a powerful state and planning. In the following section, I build upon a range of literature that enables this task.

### **2.3.1 From 'the state' to 'governmentality' to 'culture of governance' (State in practice)**

#### **2.3.1.1 The state**

Many scholars of the state, politics, political sociology and development have addressed the question of the state squarely (Abrams 1988; Bourdieu 1999; Foucault 1986; Fuller and Benei 2001; Migdal 2001, 1988; Mitchell 1991, 1999, 2000; Sharma and Gupta 2006; Steinmetz 1999; Tilly 1999). They propose to move beyond any representation of the state as coherent and distinct from society, towards analysing the processes of government and political practice or

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<sup>21</sup> For example, when the public works department acts against the land-use regulations of the planning department

examining the state within the context of its non-coherence and blurred boundaries.

Dean (2009) for instance argues that the state is a collection of multiple institutions that does not necessarily operate in any particularly coherent form in the exercise of power. Similarly, Dunsire (1978) posits that the hierarchical bureaucracy that operates as a command-and-control format is a myth and that the public administration process is best understood as an aggregative process i.e. the total sum of the collection of institutional actors.

Abrams (1988) asserts that “the state is not the reality which stands behind the mask of political practice; it is itself the mask which prevents our seeing political practice as it is” (ibid, p 59). For him, the state is a *practice* and not an *apparatus* (p 65). It does not exist and is only an illusion, an ideology. He argues that the state should be abandoned as a material object of study and that it should be understood as an ideological project (p 76).<sup>22</sup> He calls for an analysis of the relation between the *state system* and the *state idea* (ibid).

Moving further away from the focus on the *state*, authors such as Steinmetz (1999) propose to study *political culture*, while Tilly (1999) calls for a *relational analysis* of the political process. However, Mitchell (1991, 1999, 2000) posits that even though the state’s boundary with society appears elusive, porous and mobile, it is in exploring both this uncertain boundary and the distinction between state and society as an important characteristic of modern political order that one would be able to examine the nature of the state.<sup>23</sup> He proposes therefore to study the political processes at the spaces of interaction, which

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<sup>22</sup> Abrams refers to Miliband (1969), who called for analysis of the state as an ‘institutionalized political power’, and from Radcliffe-Brown (1950) who in his “African Political Systems” called for the idea of the state to be omitted from social analysis and replaced by employing the concept of government and politics.

<sup>23</sup> Mitchell asserts that the customary Weberian definition of the state (an organization distinct from society that claims a monopoly within a fixed territory over the legitimate use of violence) is only a residual characterisation. It does not tell us the actual contours of this (p 82). He argues that one should neither abandon the idea of the state for the political system, nor reconstruct the state’. In the political systems approach, he notes, everything becomes a subject and domain of politics - the churches, schools and so on. Therefore, the problem that began to address the boundary of the state and society encountered another type of boundary problem.

create the effect of the state. Similarly, Migdal questions the ideal type of *Weberian* state as a goal-oriented association that holds a monopoly of violence over a territory and its population and is capable of generating coercive behaviour through means of legitimate domination and a rule of law (Migdal 2001). Instead, he suggests that actual states are marked by both the mirage of coherency and the incoherency of actual practices. Embedding the practices of the state in the conflicts and groups of society, he argues that a single theory of state practice cannot be developed because the various alliances that social and state actors engage in can transform the state and define the outcomes. By emphasising a process-oriented approach to understanding state-society relations, he conceptualizes society as a web rather than a pyramid with the state as a ruling mechanism at the top. This brings us to the next conceptualization of institutionalized rule, proposed by Michael Foucault.

### **2.3.1.2 Governmentality**

Foucault (1986, 2000) proposes that while studying how power is exercised in society one has to study *the state* by cutting off the head of the king (i.e. the sovereign). He argues that one should study the various epistemic discourses, rationalities and institutional practices that enable the exercise of power and control in society. To this end, he shows how Bentham's *panopticon* project, theories of disease and discourses on morality can be understood as *rationalities and technologies of rule*. Foucault's work demonstrates that social governance happens through the capillary movement of power within the social discourses and practices rather than the control exercised by a monolithic and coherent powerful state apparatus, even though he further shows how the governmentalisation of the state is enabled through the adoption of these rationalities and technologies within the practice of the state (Burchell et al 1991; Foucault 1980, 1986, 2000).

The Foucauldian framework definitely enables an analysis that moves beyond the notion of an all-powerful, monolithic sovereign state to the idea of governance of rule through the widely distributed social practices that conform to particular rationalities, discourses, epistemologies, procedures and processes



of control, external to the realm of the state. But exactly what happens to the processes of governmentality when applied in practice in particular social contexts? In other words, what form does the practice of governmentality take in real contexts when it comes to the exercise of power and control? How do certain political rationalities - for example, controlling land use change or the control of environmental change or urban growth actually touch the ground? Examining violations in Bangalore, I argue, can give insight into these questions. In the next section, I will review some literature that would enable a conceptual framework to analyze the actual practice of the apparatuses of governmentality in particular socio-political contexts.

### 2.3.1.3 Cultures of governance

Scholars working more ethnographically have proposed to examine the *practice of the state as embedded in the society* in order to understand how bureaucracy actually works or how governmentality frameworks become transformed. Such embeddedness enables them to examine the state as being in constant engagement with many actors outside the otherwise bounded notion of the state. Empirical studies on India have been particularly instructive in revealing the various forms of complex interactions between the state and society, thereby rendering the idea of an authoritative bounded state a fiction.

Writing on politics in India, Kaviraj (1999) and Saberwal (1996) argue that the modernist notion of the state did not take root in India because it rests on *vernacular feet of clay* (Kaviraj 1999). They argue that the clean, functional state that were to be established after the Independence of India functioned in practice by embedding itself within vernacular systems of practice in society such as caste, class and various other aspects that define social relations.

Explaining why Indian democracy is generating a *crisis of governability*, Kholi (1990), drawing from Migdal (1988)<sup>24</sup>, argues that one should resort to a political explanation for this phenomenon. He posits that India is a *weak state* caused by a

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<sup>24</sup> Migdal asserts that weak states are a consequence of the different local accommodations that the central organizing authority ends up doing during the process of governing.

*crisis in authority* created by the competition between India's successive political regimes to gain control over localities bypassing the regional governments and other intermediary institutions. While this enabled politicians at the top to get the support of local people and accommodate their needs, this also resulted in the weakening of policy implementation institutions.

Similarly, Pritchett (2009) calls for a new category while describing the lack of any coherent structure of the Indian state. He argues,

“India is today a **flailing** state---a nation-state in which the head, that is the elite institutions at the national (and in some states) level remain sound and functional but that this head is no longer reliably connected via nerves and sinews to its own limbs. In many parts of India, in many sectors the everyday actions of the field level agents of the state – policemen, engineers, teachers, health workers, are increasingly beyond the control of the administration at the national or state level” (p.4).

Writing on the various development and administrative practices of the Indian state from the Public Distribution System to public bus route allocation, Barbara Harris-White (2004) argues that the idea of the local state is best understood as a kind of *informal state* in operation. Through a variety of case studies she demonstrates that the boundary between the “state and intermediate classes, between officials of the state and a very large shadow state, between social identities and state roles” (p77) in India is porous and blurred and shows how the informal state and informal markets in fact create each other. She argues that officials in bureaucracy can be classified as self-employed, because they “earn a fee from the provision of their services” (pp-45) in the form of bribes and through the “private sale of state goods such as licenses and sanctions”. She concludes that there is a “*private status state* in which officials bring into active play their social identities derived from outside state, and private *interest shadow state* - where large proportion of society gains livelihoods dependent on the form of the state than is employed directly by the state” [emphasis original] (p.100). Referring to Bhagwati (1993, p.329), she notes that on the ground “policy is frequently emasculated through the indirect power of quiet sabotage and everyday forms of resistance by the local power groups” and “implementing and regulatory agencies may be captured to establish the unplanned” (p54). In

this process, she concludes referring to Kaviraj (1999), “policy may be transformed out of all recognition” (p54) through the politics of policy implementation.

Literature on the anthropology of the everyday state in India examines this embedded-ness further. Fuller and Benei (2001) and Sharma and Gupta (2006), for example, assess how the Indian state can be best understood as embedded in the cultural context than as performing the functions of an ideal democratic state isolated from everyday society and operating through a *Weberian* administrative system. Instead of viewing the state as a pre-constituted institution that is capable of performing certain functions, Gupta encourages us to view states as “culturally embedded and discursively constructed ensembles” (p27). Gupta asks us to look at the everyday practices, encounters, the public representations and performances that produce the state. He posits that how the state works is actually negotiated at the local level of administration.<sup>25</sup>

Similarly, Corbridge et al (2005) examine in particular how the state in India is *seen* by poor people in north-eastern India. They show how the state is experienced by poor people in the form of the engineer, the Block Development Officer, the Panchayat Member and so on. Most people, they argue, more often interact within the street-level network of the governance system than with the higher up state and its immense structure. They argue that the Indian state is actually performed through the various forms of quotidian networks of association at the local level. The *technologies of rule* are usually transformed by local actors at the local level through interpretation. Their interpretations are often beyond the recognition of the higher policymakers. They draw our attention to the fact that people see *the state* within their everyday social networks and not as a state in itself and how these micro-operations often

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<sup>25</sup> Such an approach, he argues, raises fundamental substantive and methodological questions. Substantively, it allows the state to be disaggregated by focusing on different bureaucracies without prejudging their unity of coherence. It also enables one to problematise the relationship between the translocality of the state and the necessarily localised offices, institutions and practices in which it is instantiated (p212). Methodologically, it raises the concern about how one applies ethnographic methods when the aim is to understand the workings of a trans-local institution that is made visible in local practices.

transform the macro-characteristics of the formal state. They argue that, “government officers will find it hard to behave like a *weberian* bureaucrat when they lack the support of a *weberian* bureaucracy” (p152).

These studies are particularly instructive for understanding the relational dimension of the state: showing that the state, as an ensemble of governance, operates through people, policies, institutions and performance procedures that are embedded in local social and political networks. Important in these accounts is the idea that the categories of the state and government become insufficient in understanding how governing works in India. That these accounts show that the boundary between the state and the society is blurred, public officials are self-employed as service providers, the head is not in control of its own limbs and the everyday state is discursively constructed through local social networks calls for a renewed understanding of how governing actually works in India. Further, these accounts also draw our attention to the various processes and wide networks of actors both inside and outside government that influence the everyday space of governing in India using both governmental technologies of rule and other means.

What kind of language could reasonably capture the complex, socially embedded, political dynamics in the sphere of governing, where processes and outcomes are shaped by a range of networked actors inside and outside the government? In the next section I develop a language that comes closer to the ideas reviewed here based on the fieldwork and research experience on planning violations in Bangalore.

#### **2.4. Governance networks: towards an understanding of Vernacular Governance**

In this dissertation, I propose that planning practice in Bangalore examined through the lens of violations can be termed as ‘Vernacular Governance’. This conceptual language attempts to portray how governing processes and outcomes are deeply influenced by the interests of various local and regional networks that occupy the space of governing. To build this, I shall draw

inspiration from three specific strands of existing scholarship to develop this language.

Through an impressive critique of the norm-deviation structure intrinsic to the modern liberal theory of government and to elaborate on his notion of *political society*, Chatterjee (2011) in his *Lineages of political society*, argues that political society is the domain of democracy as the *civil society* was of modernity. Chatterjee (2004) argues that poor people in India operate through *political society*, the essence of which as Corbridge et al (2005) translate as,

“the loose community of recognized political parties and their operatives, local political brokers and councillors, lower level public servants, [who] act as the bridge between the government and public in a manner that often refuses the optimism of civil society models” (Corbridge et al 2005, p.189).

Chatterjee argues that,

“what we need is a different conceptualization of the subject of political practice –neither as abstract and unencumbered individual selves, nor as manipulable objects of governmental policy, but rather as concrete selves necessarily acting within multiple networks of collective obligations and solidarities to work out strategies of coping with, resisting, or using to their advantage the vast array of technologies power deployed by the modern state” (Chatterjee 2011, p207).

The proposal to develop a new conceptual language of political practice that adequately represents the *multiple networks of collective obligations and solidarities* working towards *optimising their advantage* is striking and important. However, Chatterjee’s interest emerging from his subaltern studies background is to appropriately theorize the domain of the subversive subject of political practice against the state of modern liberal theory and the governmental technologies of power. It is no surprising therefore that his empirical cases always focus on either the rural or urban poor in India. This can also be seen in the inspiring work of Benjamin (2001, 2005, 2007, 2008) who argues that the informal coalition of the urban poor and local level politicians and bureaucracy in India can be understood as a *porous bureaucracy*, and these networks in fact democratise the exclusionary *state*. Like Chatterjee, Benjamin, is also concerned about the pervasive and consistent capabilities of the urban

poor to engage with lower level bureaucracy, local government, and local politicians through political and extra-legal processes (such as vote banks) in order to access services while subverting the exclusive and elitist *state* which legitimises citizenship in urban India based on property ownership.

While Chatterjee's proposition to reconceptualize the social domain in popular democratic contexts as *political society* that negotiates between *the state* and the category of *population* through the domain of political relations is conceptually very powerful and inspirational, perhaps his interest in theorising the domain between the state and the population means that the state always appears as an abstract monolithic category. Further, Chatterjee is unhelpful when it comes to identifying a new language to conceptualize the practice of governing that emerges from the embeddedness of the many everyday practices of the modern state within the local socio-political context and emergent requirements. Similarly, Benjamin's conceptualization of *porous bureaucracy* also limits itself to the alliances between poor people and local level government against the exclusionary state higher up somewhere rather than attempting to develop a language to portray governance. What is further striking is that even though many authors cited above recognize the influence of what they describe as *networks* in the space of governing, there is seldom an attempt to qualify that network, or even explain what they mean by *network*.

A vast array of literature has been developed on networks in the last five decades in social science in the field of social network analysis (SNA) and more recently in actor network theory (ANT). In this scholarship, particularly in the *social network* tradition, a network is defined either based on a specific tie, for example, friendship, or a social group who relate with each other to form a social group (aka social network) (Borgatti and Lopez-Kidwell 2011). While the SNA maps *social* actors (those who have some social identity) who form the network in any arena of social life under examination, ANT arrives at the description of the composition of the social after identifying the actors involved in the network. Even though ANT differs from SNA through recognizing both human as well as non-human actors as actants (Mutzel 2009; Thompson 2003)

both the approaches use *network* as a perspective, a metaphor or a paradigm that could enable the identification of interconnectedness or ties (mostly represented in sociograms in which actors are nodes connected with lines to denote relationships, and which explain social process or outcomes, in the case of SNA, or describe how actants collectively produce outcomes as a consequence of the networks, in the case of ANT) (Borgatti and Lopez-Kidwell 2011; Marin and Wellman 2011; Wasserman and Faust 1994; Scott and Carrington 2011).<sup>26</sup> Methodologically, both these approaches undertake extensive mapping of the network to identify form (for example, clustering patterns) of the network or their content (social structure in the case of SNA) or consequence (ANT).

Drawing from the networks approach (mainly the social network approach), a range of scholarship has emerged in the past two decades that examines how the involvement of a range of collective or individual actors both inside as well as outside the space of the government influences the policy process. The languages that are commonly used in such studies are *policy networks* and *policy communities* to describe the network that inhabits the space of governing or that influences the policy outcome. This recognition of the limited role of the state due to the involvement of a diverse range of actors in policy making and implementation arena is also reflected in the language of *governance*.

*Governance* has emerged as a conceptual framework in the study of the state

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<sup>26</sup> This research process didn't begin with ideas from either SNA or ANT. Therefore, I did not undertake an extensive mapping of networks during the fieldwork nor do I employ methods or analytical techniques from either SNA or ANT. Therefore the words associational networks or networks used here do not refer to the specific analytical implications of either ANT or SNA. However, the various ways in which different actors interact with each other during the practice of planning, implementation and enforcement process was identified in the fieldwork and examined further during the analysis phase. These interactions often define the outcomes of planning and governance process in Bangalore by forming enduring local networks, processes and procedures. In the sense the word network used in this dissertation is more conceptual and instrumental rather than methodological as in the case of ANT and SNA. I do not present any detailed identification of nodes or patterns that would enable a formal analysis of clusters, its content or identification of actants and so on. To some extent through the examination of violations, I do identify the different forms of local relationship between social actors that form a network occupying the practice of planning. From that perspective, *violations* do present itself with a strong potential for a detailed network analysis based on SNA or even ANT given that there is an important role for laws and acts, documents, procedures and material records in the production of violation. This endeavor is not within the scope of this research and is left to future research.

and public administration in industrialised countries during the past two decades in the context of what is often referred to as the hollowed-out state (Klijn 2008; Kooiman 2003, Stoker 1998, Pierre 2000; Rhodes 1995, 1997, 2000) and the involvement of a variety of actors within the space of governing. Writing about the British government, Rhodes (1994, 1997) argues that his use of the phrase refers to the increased fragmentation and decreased coordination, eroding accountability, increasing capacity of government to manufacture social disasters and decline of central capability in the space of governing. The phrase, he asserts, refers to whatever has happened to the conventional idea of a capable state in the context of increasing privatization, the presence of alternate service delivery agencies, the influence of the European Union (and other international agencies) and the limited discretion of civil servants due to the new public management practices being adopted in government. He argues that governance is,

“Not a choice between centralisation and decentralisation. It is about regulating relationship in complex systems. There is no simple ideological choice between planning and markets. There are many forms of service delivery and we need to identify the conditions under which they work” (Rhodes 1997, p.131).

He suggests that this hollowing out is not the minimalist state of Thatcherite aims, but it is about identifying alternate means to “simple-minded nostrums of free markets and national plans” (Ibid, p.110). Similarly, Stoker (1998) states that,

“Governance refers to the development of governing styles in which boundaries between and within public and private sectors has become blurred. The essence of governance is its focus on governing mechanisms which don’t rest on recourse to the authority and sanctions on government” (ibid page 17).

He further asserts that the value of a *governance framework* resides “in its capacity to provide a framework for understanding processes of governing” (ibid p.18). He agrees with Judge et al (1995, p.3) that “such conceptual frameworks provide a language and frame of reference through which reality can be examined and lead theorists to ask questions that might not otherwise occur” (ibid, page 17).



*Governance* is increasingly used as a conceptual approach that recognizes the presence of a wide range of actors in the space of governing. The role of the state varies according to the policy arena and the problem of investigation and the conceptual approach adopted by various authors. So, in the political economy approach, for instance, the state is conceived as having a role in steering multiple agencies and institutions during the process of governing. Therefore, Jessop develops a strategic-relational approach recognising the complex relationship between structure, agency and strategy (Jessop 2007). In the case of studies on private governance networks, the networks become the institutional setting within which the actors act, and they are not necessarily accountable to the government (Kooiman 2003). Kooiman (ibid), for example, distinguishes *governing* from *governance*. According to him, governing can be considered,

“as the totality of interactions, in which public as well as private actors participate, aimed at solving societal problems or creating societal opportunities, attending to institutions as contexts for these governing interactions; and establishing a normative foundation for all those activities” (ibid, page 4).

By way of contrast, governance refers to “the totality of theoretical conceptions on governing” (ibid, page 4).

Further, he uses the term *socio-political governance*, defined as “an analytical and normative perspective on any societal governance that is collective” (ibid, p.5, emphasis in original). Collective, for him, is when public, private and market actors look at the governing responsibilities as a shared set of activity. Hence, he argues that the space of governing involves activities that are self-governing, co-governing and hierarchical governing. Socio-political governance, he states, is a space of *interactive governance*, which attempts to move beyond the notion of the state as a central governing actor to how governance happens in the context of state-society relations (ibid, page 5). He argues that mutuality is a central aspect of interaction in which the interacting parties influence each other even though respecting each other’s centre of autonomy “as a point from which the co-activity of the others emanate” (p.211). He proposes

interdependence and interpenetration as two dimensions of interaction: “Interdependence is more than exchange; it is deeper and it must also be distinguished from input output relations. It refers to the constitution and reconstitution of actors or entities” (ibid, page 211). Using this interaction perspective, Kooiman (2003) defines political society as the link between the state and civil society. He argues that “political society can be seen as a sphere of actors and institutions mediating articulating and institutionalising the relation between the state and civil society”<sup>27</sup>. He asserts that political society is related to democratisation while civil society is related to liberalisation, and that the state, civil society and political society together form public life and should be analyzed closely (ibid, page 216).

The importance of recognising the influence of multiple actors in the space of governing had been recognized in the seminal work of Dahl on urban politics in New Haven more than five decades ago. By asking ‘who governs in New Haven?’ Dahl argued that the interests of a very large number of actors are reflected in the governance priorities in both direct and indirect ways (Dahl 1961). Thus, he proposed a critique of elite theory and political machines theory, which argued for the dominating role of select elites in policymaking. The pluralists inspired by Dahl argued that power is much more dispersed and the policymaking arena is not exclusively a domain of select few; instead, a variety of interest groups are represented according to the particular policy area under investigation. Further, in the attempt to bring together the structuralist and pluralist schools, Stone’s (1989, 1993, 2005) *regime theory* focused on explaining the different forms of government and business coalitions in policy decisions and the delivery of projects by giving agency to the range of governing actors (Stone 2005, Judge et al 1998). Stoker (2000) states that, “Governance has become a problematic activity” due to social complexity, the low coherence in political society and differential distribution of “resources between public and private actors” (ibid, p.95). Hence, the emergence of regimes and different forms of coalitions can be seen around the world. He describes coalitions and regimes thus:

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<sup>27</sup> Different from the conceptualization by Partha Chatterjee’s where it is in opposition to the State.

“Regimes are informal yet stable coalitions, with access to institutional resources that have a sustained role in making governing decisions. Regimes are likely to draw on both public and private sectors. A regime is not only about aggregating resources, but it includes the blending of capacities around potentially shared purposes of various sectors of the community.<sup>28</sup> The crucial role of governing coalitions or regimes is to blend capacities between governmental and non-governmental actors in order to achieve a governing task” (ibid, page 96).

He argues that the blending of capacities gives the regime its power. Regimes are not always stable; they are prone to change and potential decay. The development of a regime in a context is a very difficult task; hence, stable regimes are more tightly knit and are more likely to persist than loose coalitions.

It can be seen that the concept of *governance* is employed with a wide range of intentions: to empirically explain certain governance outcomes; to provide a normative account of the process of governing; and to identify the various coalitions and regimes in any arena specific of governance. By recognising the various influences in the sphere of governing, *governance* thus offers a language that does not take for granted the idea that the state is the domain where all matters related to governing resides. Even though the context in which the concept emerged was that of Western industrialised nations where relatively stable states had been in operation until the hollowing out or the emergence of multiple actors, it has been also used by scholars working in the developing South, where historically fewer opportunities existed for the stabilisation of a modern liberal democratic state. For example, in many parts of Africa, scholars argue that the role of the formal state in everyday governance is minimal, contested and occupied by various informal systems of social governance and that often the state acts alongside other forms of informal organizations to exercise authority and deliver services (Meager 2012, Oliver De Sardan 2008, 1999, 2011). To describe such forms of rule and to represent the everyday

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<sup>28</sup> Referring here to Clarence Stone’s paper - *Urban regime analysis: Theory, service provision, and cross-national considerations*. Paper presented at the Joint Sessions of the European Consortium for Political Research, Bern, Switzerland, February 27-March 4 1997.

operations of African states, De Sardan (ibid), for instance, uses the term “real governance” and Meagher (ibid) uses the term “hybrid governance”.

In this dissertation, I deploy the language of *governance* to denote the wide range of collective actors and networks involved in the sphere of governing. Further, drawing inspiration from Chatterjee as well as the studies cited above that recognizes the robust influence of complex local relations and strategies on governance outcomes in India; I propose to conceptualize the specific practice of governance that emerges out of this embeddedness as *vernacular governance*.

The Oxford English dictionary defines *vernacular* as pertaining to the local/regional, ordinary, domestic or of a specific group engaging in a specific activity.<sup>29</sup> Thus the language of the *vernacular* enables me to portray the specific ways in which universal categories, such as governance, the state, planning or bureaucracy, are appropriated or translated into any local context. Levitt and Merry (2009) uses *vernacularization* to describe “the process of appropriation and local adoption of globally generated ideas and strategies” (ibid, p.441), of women’s rights in Peru, China, India and the United States, while Hansen (1996) uses it to show how the local *Shiv Sena – BJP*<sup>30</sup> political coalition in Maharashtra translated the broad communal *Hindutva*<sup>31</sup> discourse to reflect local social and political realities and how they captured political power in that state. Similarly, Michelutti (2007, 2008) uses it to mean “the ways in which values and practices of democracy become embedded in particular cultural and social practices (p.2) of Yadavas<sup>32</sup> in Mathura which in turn influences the shape and form of national politics (Gregory 2009, p.867). Merry (2009) similarly uses the term *vernacular* to denote the “local context of power and meaning” (ibid, p.1) while arguing that international human rights ideas can be effective only when translated into local terms.

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<sup>29</sup> <http://oxforddictionaries.com>

<sup>30</sup> Shiv Sena and BJP (Bharatiya Janatha Party) are national political parties in India

<sup>31</sup> Hindu religious nationalism

<sup>32</sup> A caste group in North India

The anthropologists' uses of the term *vernacular*, as cited above, refer to local traditional structures like caste and community or things that are indigenous. While using *vernacular* here, I propose to move beyond referring to such traditional social structures to encompass the various forms of specific local socio-political realities within which practices of governance take place. Sometimes these relations are connected to 'traditional' structures like caste, while most times they are complex combinations of political affiliations, business networks, social class, family and friendship ties, neighbourhood groups, or even regimes and coalitions that enables the trading of public office privileges.<sup>33</sup> By vernacular, I not only intend to portray the range of actors involved in governing, but also the process of appropriation and adaptation of universal categories of law and structures and process of rule. Therefore *Vernacular governance* as used here represents the idea that the mechanisms of social governance in practice take very specific forms in their rationalities, technologies, actors and processes in particular places with or without any relation with the governing structures and processes of the modern nation state. While it is important to see how the state and governmentality operate as discourses and expectations, it is through studying what kind of specific governance processes and practices result in which outcomes in particular places that we will get closer to understanding how social governance actually operates in particular socio-cultural and political contexts.

I argue that violations should be conceptualized as the outcome of the way land-use planning practice operates as vernacular governance. Such an approach attempts to moves beyond just focusing on policy or plan making to the practice of governance. The various context dependent networks, their actors, their rules, characteristics and activities will then present themselves for analysis in the arena of plan making, implementation and enforcement.

This move from *the state* to *governance* also necessitates a reconceptualization of planning from a linear and simple policy-implementation dichotomy. Further,

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<sup>33</sup> Especially the question of land and politics in Karnataka and Bangalore are deeply embedded in the traditional caste structures; however that dimension is beyond the scope of this phase of the research.

it also necessitates a reconceptualization of planning power from being concentrated in the space of the state to that of the various coalitions and networks. Therefore in the following sections, I develop an analytical framework that would enable the examination of planning practice based on practice and outcomes.

## **2.5 From planning as decision making to planning practice and outcomes**

Central to the question of the relationship between planning and violation are the questions of what planning is, who does it and how planning processes can be researched? Is planning whatever the planners do or is it what different institutions in the government do or is it whichever processes that produce planning outcomes? Even though empirical studies on planning have provided a context to move beyond the theorisation of planning based on normative concerns towards examining how planning in particular places works in real practice, this scholarship is also mostly dominated by studies of decision-making process. For example, using a *neo-Weberian* approach, Low (1991) studies the activities of planning institutions within the state giving them a kind of relative autonomy and the power of *agency*. Similarly, Healy (1988) studies the planning system in the UK to understand how the system faces up to the new challenges posed by a variety of factors. The planning system in this case is not equated with a homogenous and monolithic idea of the state; instead she attempts to identify how the system “has been adapting to changing priorities of national and local governments and development consequences” (Healey 1997, p.187; Vigar et al 2000). Such an approach involves the study of institutions, instruments and implementation practices. This also involves the study of particular actors within these institutions and their practices as much as the inter-relationships.

Even though here one moves beyond the idea of a monolithic state, the shortcoming of this approach is that it concentrates only on the decision side (Friedmann 1987, 2003). The neo-Weberian approach has definitely helped to overcome the idea of the monolithic state by including the multiple planning institutions within the space of government and politics. However, whatever has been studied as planning has remained within the realm of the government and

administrative and techno-bureaucracy. This preoccupation, I argue, is due to the idea that studying governance has been equated with studying decision-making in government institutions, and that planning was conceptualized only as a practice within the planning institution engaged in by planners. I assert that this is because these studies work within the framework of the policy–implementation dichotomy; that is, policy is something to be formulated at the top and later to be implemented through the hierarchies of the public administration bureaucracy.

However, there have been many attempts to move beyond studying planning as decision-making by using a policy process framework that is mainly inspired by the work of Wildavsky who conceived implementation as policy evolution in context (Pressman J L and A Wildavsky 1973). Referring to the top-down and bottom-up traditions in implementation research and distinguishing between conformance-based and performance-based research on plan implementation, Alexander and Faludi (1989) assert that what is important to research is how particular planning and implementation processes have helped achieve the objectives of the plan or policy. They argue that dogmatically adhering to *the plan* during implementation is not very useful in achieving the objectives of the plan, because a *plan* or a *policy* is a static document and is non-responsive to the context and dynamic changes. It is important, they say, to look at how planning practice works to achieve the objectives of policy. Thus, they call for studying processes that resulted in particular outcomes.

Individual actors within the planning system are given significance as active agents who are enacting or *performing planning*. Rules and regulations do not automatically translate into results in this approach, but need to be performed. Therefore, the way the planners act within the institutional context while implementing the plan becomes important. This approach is also related to the seminal work of Lipsky who argued that the realisation of policy goals has to do with what the *street-level bureaucrat* actually does at the street level (Lipsky 1983). The discretionary capacity of the street-level bureaucrat becomes an important issue when *policy is seen as being made as it is implemented* (Pressman and Wildavsky 1973). Implementation studies in this format are not distinct from the

studies of planning. While the top-down school consider policy and implementation as a staged linearity, the bottom-up school question this and argues that a policy is only a starting point in the policy process and that researchers should concentrate on how policy practices are related to outcomes (Barret and Fudge 1981; Mazmanian and Sabatier 1981, 1989; Pressman and Wildavsky 1973; Sabatier 1986).

Even though this policy process approach has helped to move beyond the top-down policy-implementation dichotomy to appreciate planning and policy as a continual process and integrate the practice of horizontal and vertical actors within government, it remains largely isolated from the interaction space of governance. Furthermore, whatever that is studied as planning under this approach stays within the realm of government and administrative and techno-bureaucracy. I argue that this preoccupation is due to the idea that governance is carried out by government institutions only and that planning is to be understood as a practice within the planning institution engaged in by planners.

Extending this argument further becomes important in identifying violation as a site of interaction between multiple actors and governance process. In a context where the boundaries are blurred between the state and society, and where the idea of control within the state itself is minimal, processes that may lead to outcomes do not necessarily have to exist only within the space of government. In this dissertation, I will examine planning processes connecting them to their specific outcomes. I propose that planning outcomes should be studied as the result of the actions of a range of different actors that occupy and engage in the space of vernacular governance.

## **2.6 Re-conceptualizing planning and violations: from violations as plan deviations to violations as outcomes of planning practice**

The review and analysis of literature on the state and on planning process has been conducted here to argue that violations should be seen not as *deviations* from plans, but rather as the *outcomes* of planning processes that operate as *vernacular governance*. This thesis will reveal the various actors inside and



outside government, governance arrangements, protocols and practices that produce violations. Planning processes that produce, sustain and contest violations form the networks of vernacular governance. Of course, outcomes can be the result of a number of things, and not all of them can be equated to planning whether understood as practice or as process. Planning indeed refers to the act of preparing, policymaking, implementing and controlling or the steering of events. Therefore, when I propose to understand violations and their connection with planning processes and practices, I mean the practices that involve planning law, policies, apparatuses, instruments, institutions, protocols and procedures of the planning system. Conceptual approaches from studies of governance networks enable us to move beyond seeing the state and government as the main domains of enacting governance to examining the practices of multiple actors within and outside the government in the analysis of governance outcomes. I elaborate on three analytical frames to understand how planning practice and violations are embedded in each other in the case of Bangalore, and which enables me to answer the research question posed at the beginning of this chapter.

### **2.6.1 Planning, public interest and private interest networks**

Planning's ethic and epistemology revolves around the idea of *public interest*, whether in its legitimisation as a state practice, as a normative ethic that guides epistemologies or as a framework that enables any substantive evaluation (Alexander 2002). Modernist state-led urban land-use planning was premised on the idea of providing larger benefits to society, "which are in everyone's interest to have but in no one's interest to provide" (Campbell and Marshall 2002, p.182). State intervention in land through various instruments of restriction and promotion were premised on such broad principle of public interest. Comprehensive land-use planning was conceived within this context of state practice to provide a broad framework of spatial organization that would unite and co-ordinate specific actors, institutions and their activities towards predefined *public interest* criteria as well as provide an evaluative framework (Althusser 1965; Moroni 2004). Moroni (ibid) notes that the rational and comprehensive planning approaches are premised on the idea that there is a

*collective public interest*, which can be achieved by state intervention in the operation of markets, seen as the domain of private interest.

As the key normative, epistemological and instrumentalist criteria of planning theory and practice, *public interest* has undergone the maximum critique and re-conceptualization during the critical evaluation of planning in the second half of the previous century. Is public interest the interest of the *public* (of the state, any public authority, community) or *interest* that is public in nature, or is it an outcome that is the result of the processes of public engagement ? (Alexander 2002). Who is the public and what is the nature of the interest and how does one arrive at defining it?

Utilitarianism conceived *public interest* as the aggregate interests of individual preferences but this was limited by the critique that individuals might not always be in a position to identify what is of maximum utility for them. This might require a specialist to identify it for them. Statists and old-institutionalists conceived *public interest* as the decision of the legislature formed under representative democracy, or the interest of an institution that represents the people's interest. However, the state was critiqued as an institution that represents the majority and dominant interests in society; within such a context only the preference of the rulers and their supporters might be represented in the name of public interest. To move beyond such relativism, liberal approaches defined public interest based on specific universal substantive criteria. But critics argued that in a society made up of various conflicting groups holding a range of conflicting values, how could a particular substantive notion of public interest (for example, justice) be developed? Moving beyond an approach that involves defining the specific contents as well as specific actors who will define the public interest criteria, the enthusiasts for deliberative democracy asserted that public interest is that which is arrived at through the process of deliberate political dialogue and participation in the process of democratic decision-making. However, critics countered that the existing unequal power structures, various forms of exclusions and mutually conflicting rationalities in society could mean that an

even platform for participation is unavailable (Alexander 2002; Campbell and Marshall 2002; Moroni 2004).

Various versions of planning and urban theory and practice have emerged out of these diverse critiques of *public interest* criteria in planning. For instance, Davidoff (1965) posits that the role of planners is not to represent any abstract idea of general public interest, but instead they should work as advocates for specific interest groups. This kind of planning was known as *advocacy planning*.

Similarly, a large body of urban studies scholarship on India argues that in the age of the neo-liberalism, the city and its public spaces are being produced in the image of the rich, the corporate and the middle class, and that through that process the urban poor are becomes an unclassified category who occupy very little space in public consciousness; their interests, rather than being seen as *public*, are construed as *public nuisance* (Ghertner 2010, 2011, 2012). This follows from a range of scholarship that critiqued planning as a practice that enables exclusive collectives (for example, of property-owning individuals or capitalists) (Chatterjee 2004; Harvey 1973, 1978). This is also reflected in the work of other scholars who write on urban planning in India (Arabindoo 2005, 2010; Baviskar 2003, 2002) who portray many forms of local residential associational activism as *bourgeois environmentalism*. In this line, the middle class engages with the *state* to achieve what they consider as valuable for *their* neighbourhoods - trees, roads, heritage, lakes and so on - which are supposedly of interest to the middle class and the elite only. Chatterjee (2004) argues that such activism belongs to the domain of the *civil society*, and this typically involves engaging with the legitimate routes of formal democratic state: the courts, administration and the law. It is argued that such imaginations of the city results in the bourgeoisification of Indian cities. Further, It is argued that such elite involvement in governance has reduced the space for the poor, and results in their mass eviction. Ghertner (2011) calls this the *gentrification of the state space*. He argues that through specific platforms like the Bhagidari<sup>34</sup> in

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<sup>34</sup> In the *Bhagidari* scheme, the Delhi state invited property-owning individuals to participate in planning decision-making.

Delhi, where the state invites the property owning middle class neighbourhood actors to participate in local level decision making about urban services, the higher level state actors - both politicians and bureaucrats - make the lower level administrators more accountable to the higher level administrators and to the middle class neighbourhood groups. This, it is argued, makes the lower level politicians and administrators less powerful to circumvent the rules and engage with vote bank politics. So, Ghertner (ibid) argues that the *state* and (not just the *middle class*) play a vital role in bourgeoisification of Indian cities. Ghertner (ibid) draws from Kaviraj (1999) who argues that the middle class and higher level state actors form part of a *cultural modernist collective*, quite different from the vernacular frameworks with which the lower level administration of local government and local politicians and poor people collaborate. For example, Ghertner (2010, 2011) shows how courts interpret *illegality* based on aesthetics rather than *the rule of law*; he shows that the slums and squatters are evicted while the posh illegalities in Delhi are regularized.

However, when multiple actors engage in the broad sphere of planning without any single agenda, ideology or substantive content dominating the varied processes, such categorical essentialisation of planning becomes challengeable. When governance outcomes are a result of *vernacular governance networks* (which stem from a variety of interactions between a range of actors and rationalities located inside and outside government embedded in the local socio-political relations and emergent contingencies) and where the state is embedded in various socio-political relations, I argue that both public and private interest outcomes can only be identified as a *result* of governance process in particular spheres of governing (or problems under investigation). In other words, adhering to rules, the involvement of public actors and adopting constitutional processes do not necessarily produce outcomes that are automatically of public or private interest. Considering planning practice as vernacular governance, this dissertation then, examines how rules, actors and procedures interact to produce specific *consequences* that can be categorised as public or private. Two empirical chapters (Chapters 5 and 6) are organized in this dissertation around this analytical framework.

### 2.6.2 Planning power in governance networks

As discussed before, the conceptualization of how power operates in the sphere of governing will vary considerably based on the way governing is conceptualized. The conventional idea of the consolidated democratic state operating bureaucratically through its verticals - the legislative, executive and judiciary - may give an illusion of power operating in a top-down hierarchy. In the Benthamian and Weberian notions of bureaucracy, conceived as a top-down pyramidal hierarchy, power operates linearly from top to the bottom (Dunsire 1978). Through the different practice procedures, reporting structure, salaried employees, surveillance and so on, a command taken at the top travels to the bottom for implementation and enforcement. It is seen as a command-control function. Such is the idea of power in the policy-implementation linearity and legislature-executive-judiciary institutional epistemology of governing.

Similar idea of power is also visible in the writings of those who attempt to theorize a structural category of an all-powerful *sovereign state*. As discussed before, drawing from her fieldwork in Calcutta, and framing informality as an *analytical category* beyond the *informal sector*, Roy argues that informality should be seen as an *idiom*, based on which the Indian State operates. Drawing from Agamben (2005), Roy goes on to argue that this informality is akin to a *state of exemption* that enables *the state* to maintain its *sovereignty* and *power*, exempting itself when required from its own rules and regulations. This generalisation of a macro category of *state power* inducted from the analysis of informality is deeply questionable even within the context of Calcutta. For about four decades, and until recently, the communist party ruled the state of West Bengal, of which Calcutta is the capital. The party networks have been occupying the state apparatus and engaging in practices that support the interests of party networks. Roy seems to be portraying this politics of patronage as manifestation of *state sovereignty*. Similarly, Gururani (2012) argues that the planning of Gurgaon that was enabled through many complex political networks can be understood as a regime of “flexible planning”. Even though she mentions that “[in] the shifting and emerging networks of power,

the analysis of flexible planning necessarily exceeds the domain of the state”,<sup>35</sup> broadly, the paper follows in the footsteps of Roy to argue that flexibility is a strategy of the state power. Desai (2012) also uses the notion of “flexible governance” to argue that through flexible governance regimes, *the state* devises strategies to evict the urban poor in Ahmedabad.

Moving beyond conceptualizing the state and the bureaucratic hierarchy as a structural category where power resides, those who studied the policy in practice very closely - through examining policy, planning and bureaucracy as a process where the agents are more active - challenged this top-down linearity and argued that power actually flow from the bottom-up within the institutional structure. As mentioned before, Dunsire (1978) argues that governing within bureaucracy occurs only through consent; power is not what the official at the top exercises on the official below him/her. Instead it is to be understood as something consented to by the lower official. He asserts that bureaucracy can only be understood as an *authority* where the officials in the hierarchy have authority to command. However, this does not mean that he or she will always have power. Power in authority emerges, in his argument, out of consent.

Most scholars of power recognize that the main conceptual typology of power relations in society revolves around three specific approaches regarding the conditions of social relations under which domination or control is exercised (Clegg and Haugaard 2009; Haugaard 2002; Lukes 2004; Westwood 2002; Wrong 1995).

The first conceptualization distinguishes between *power to* and *power over*. Those working with *power to* frameworks assume that an actor A is *powerful* and *has power* if actor A has *power to* (legitimate or otherwise- if actor A is in any *position* of power) dominate others in society. Those working with *power over* frameworks argued that it is not a sufficient condition. In other words, until the social actors allow themselves to be dominated, one cannot argue that actor A is *powerful* and *has power* and that only through an analysis of the

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<sup>35</sup> Page numbers not available

practice of power, can one sufficiently examine if A *actually has power over* other actors.

This is further qualified in the second approach, that is, if power relations should be understood as something that happens under conditions of *conflict* or *consensus*. Critiquing the concepts of power proposed by Parsons, Arendt, Gramsci and others belonging to the consensual approach, Lukes, for example, argues that consensual (or hegemonic) relations are not relations of power. Instead, relations of power should involve domination under conditions of conflict and coercion (Lukes 2004). He critiques Dahl's (1961) method of examining the decision-making arena as *behaviouralist*, and argues that the very act of setting the agenda of decision-making is itself an aspect of power relations. He proposes a third approach in which power relations are also structural and historical. However, what Lukes misses in his discussion is that decisions do not necessarily translate into reality even if the decisions were made by people who are located in structural positions of power; a policy is only a document that has no importance if it is not implemented. Therefore, examining power only in decision-making arenas will paint a partial or inaccurate portrait of power as it actually operates in particular situations. The analysis of power in an arena where various actors at different levels in a range of associational relations exercise their influence through planning practice directly or indirectly should also involve the arena of implementation and enforcement.

In a Foucauldian framework, where one moves from a consolidated idea of the state as the agent of governing to governmentality and technologies of rule, power is seen to be dynamic: it circulates within society among various actors. Foucault identifies individuals as not just subjects of power but as agents of its exercise. He suggests,

“Power must be analyzed as something that circulates, or rather as something which only functions in the form of a chain. It is never localised here or there, never in anybody's hands, never appropriated as a commodity or a piece of wealth. Power is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously

undergoing and exercising power. They are not only its inert or consenting targets; they are always also the elements of its articulation. In other words, individuals are the vehicles of power not its points of application” (Foucault, 1980, p98).

Foucault’s elaborations on the concepts of power and control (Foucault 2000) recognize the adoption of the various epistemologies and discourses by social actors into their moral and epistemological consciousness, thereby becoming the very agents of its circulation. Using such a framework, Chatterjee (1996) shows how various notions of morality and articulations of *good aesthetics* (for example, *good literature*) developed in twentieth century colonial Bengal through the activities of certain elite cultural activists and scholars who adopted it from colonialist discourse and how that influenced the development of a variety of texts and cultural production (i.e. art, media, etc.) during and after the colonial period. Such a framework goes further in recognising the role of some *form of consent* in the circulation of power through discourses and the role of consenting individuals in its exercise.

However, a number of scholars who use a Foucauldian framework to study planning work with the idea of governing *population* and represent power as being exercised upon an abstract idea of population and/or space (Huxley 2006, 2007; Legg 2007; Robinson 1995; Scott 1998; Yiftachel 1998, 2000, 2002). They neglect how power in fact operates, how the practice of governmentality in fact operates in the practice of social governance and in that context how the exercise of power actually works. In other words, they do not ask what the circulation of power looks like when versions of governmentality are in practice, what the roles of dissent and consent are, and under what conditions are power and control exercised, by whom and in what context?

So when people are agents in the exercise of power, how does power operate in everyday social governance? How is the idea of power exercised in governing (even as multiple institutions and processes) if one considers governing as an interactive process where various networks inhabit the sphere of governance?



Governance networks studies argue that power is fragmented and operates in a very contingent fashion. Stoker (1998), for example, states,

“Power dependence implies that organizations committed to collective action are dependent on other organizations; in order to achieve goals organizations have to exchange resources and negotiate common purposes, the outcome of exchange is determined not only by the resources of the participants but also by the rules of the game and the context of exchange” (p.22).

Drawing from an interdependence approach from regime theory and examining the informal networks and the various ad-hoc political coalitions involved in the urban development processes in Pune, Sami (2012) argues that “power in Indian cities is fragmented” (ibid, p.10) and that many forms of coalitions fill what she calls “the power vacuum”. This power vacuum, she argues, creates the need for collaboration and co-operation thereby distributing the power among a wide range of actors and groups, from the petty bourgeoisie to the new middle class.<sup>36</sup>

This interdependence of actors in the exercise of power is conceptually exemplified in Latour’s (1986) proposition that is analytically very useful.

“When an actor simply has power nothing happens and s/he is powerless; when, on the other hand, an actor exerts power it is others who perform the action. It appears that power is not something one can possess – indeed it must be treated as a consequence rather than as a cause of action”.

He continues, “a command, if it is successful, results from the actions of a chain of agents each of whom translates it in accordance with his/her own projects” (p264).<sup>37</sup>

Therefore, power can be studied only as a *consequence* of actions and not as something that automatically resides in any particular place due to the location of a particular actor. If land use planning is understood as social control and,

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<sup>36</sup> This is one of the rare voices in the studies of Indian urbanism/ planning that takes such a view about power.

<sup>37</sup> Latour notes, “History is full of people who, because they believed social scientists and deemed power to be something you can possess and capitalize, gave orders no one obeyed” (Latour, 1986, p.265).

particularly, if regulating land use is understood as the ability to control land-use changes in the city, then violations are the sites where such power becomes contested or consented to and can be examined as a *consequence*. Hence, such a framework is used for analysing planning power as it operates in the vernacular governance networks in Bangalore. Chapter 7 in this dissertation examines the problem of violations and planning power in Bangalore conceptualized within this framework.

## 2.7 Conclusion

In Bangalore, like most other large cities in India, a well-articulated planning institutional apparatus exists to plan, manage and control urbanization and change. This formal institutional apparatus is intricately linked to the three foundational institutions of the democratic state - the legislative, executive and the judiciary - and performed through its intricate embeddings within the administrative bureaucracy.<sup>38</sup> This administrative apparatus is instituted in state-based laws, performance procedures, and implementation and enforcement frameworks.

Planning in Bangalore, like most other urban planning regimes elsewhere, is usually represented as a state project with power to control urban change and development. Operation of the state apparatus of course cannot be perfect given the complexities of the real world, and the procedures of *performing the state* and minor deviations in the state's ability to control urban change could be considered as deviations from the norm. However, as stated in Chapter 1, planning violations in Bangalore do not in any way represent a minor deviation; instead, the sheer scale of their abundance calls for a re-conceptualized understanding of their relationship with planning, urban governance, state and society.

In this chapter I argued that explaining violations based on informality, implementation failure and corruption are primarily conceptualized using ideas

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<sup>38</sup> A detailed description of this planning system forms the bulk of Chapter 4.

that the state is the single most powerful planner, policy is made in the legislature, implementation and enforcement are administrative practices that follow policy in a stage wise linearity, and assumptions about the seamless operation of a top-down bureaucracy. I proposed that due to such assumptions, violations come to be conceptualized as deviations from a norm, an example of which is the plan or planning law.

Instead, conceptualizing governance as a result of the interaction between actors across the social sphere in various forms of associational relations, I argued that the sites of violations in Bangalore should be understood as the outcome of the land-use planning practice rather than its deviation. For this purpose, I reviewed in this chapter a wide range of literature that proposes to move beyond the monolithic conceptualization of the state towards understanding governance at the spaces of interaction of the state and the society and policy and planning practice beyond just decision-making connecting to outcomes. Further, by conceptualizing governance processes and practices in particular places as vernacular governance, I proposed that violations shall be examined as a geographic site to understand the politics of planning in Bangalore. More specifically, I proposed to examine how the different networks that inhabit the sphere of land-use planning practice in Bangalore influence the specific outcomes that are connected to violations.

The categorisation of public and private interest networks based on the nature of the outcome is being proposed for analysis resonating with the public interest criteria of planning. I proposed that violations can be understood as a function of how planning power operates across these networks. Thus this dissertation will empirically answer the research question posed at the beginning of this chapter through an analysis of how various actors from within and outside government who form the planning networks in Bangalore produce, sustain and contest the geography of violations. In the next chapter, I will elaborate the research design and methodology.

## Chapter 3

### Research Methodology

#### 3.1 Introduction

In the previous chapter, I outlined the conceptual and theoretical directions within which violations in Bangalore will be analyzed in this dissertation. It was proposed that violations will be understood as the outcome of a planning practice operating within the culture of governance where the boundary between the state and society is blurred and characterized by various forms of governance networks.

In this chapter, I will discuss the details of the research design, including the process of ethnographic fieldwork and analysis. After a brief discussion in the following section about how the research questions informed the research process, the rest of this chapter will be structured using specific methodological concerns. Firstly, in the section titled *Motivation, situated-ness, reflexivity and insider-outsider status*, I will elaborate the significance of my identity as a *native planner* in the selection of the research problem, the geography of this research and its conceptualization. Secondly, I will discuss the process through which the conceptual and theoretical framework developed and how that enabled the identification of specific cases for analysis. This section will further elaborate how the field work process influenced the conceptualization of the research problem; in particular, how violations and planning as intricately interconnected practices. Thirdly, I will discuss the techniques adopted and the problems encountered during the identification, access, collection and the analysis of the data. This is followed by a section on *research ethics* where I will elaborate on the specific ethical issues pertaining to this research and the ways in which this dissertation deals with the problem of confidentiality and privacy of the interviewees.

### **3.2 Research question and research process**

The main research question, as stated in the previous chapter is:

*Why and how are land-use violations in non-poor neighbourhoods of Bangalore produced, sustained and contested despite the presence of the elaborate mechanisms for planning, implementation and enforcement?*

Unpacking this question methodologically involved mainly three tasks:

1. Identification of an appropriate neighbourhood where there are specific researchable cases;
2. Examination of how and under what conditions violations are produced, sustained and contested;
3. Examining the way violations are connected to planning practice.

Gaining an insight into the practices of planning and violations involved identifying the various actors involved in the process and the exact kinds of practices adopted. Hence, this research process had to be a detailed case-based ethnography of planning and violation. The main research question was broken down for different sets of actors. This involved identifying particular sites of violations within the neighbourhood as well as different policy and planning contexts within which the problem of violations could be examined. The diverse practices involved required varied forms of data collection methods. So, after locating these specific sites and projects, the following three questions were examined:

1. What are the various forms of land-use violations in the selected non-poor neighbourhood of Bangalore?
2. What are the various mechanisms used to control land-use change and how do they operate?
3. How are these violations produced, sustained and contested? Who are the various actors and what are the processes involved? How do they operate and what is their rationale?

This research process did not follow the linearity of a hypothetico-deductive model: it did not proceed with a theoretical hypothesis, a representative case study and a search for analytical fitness (Flyvbjerg 2001, 2006; Gerring 2004; Mukhija 2010; Ragin and Becker 1993; Small 2009). I started with the field of Bangalore and the problem of violations in non-poor neighbourhoods of Bangalore; this then extended to the theoretical problems of planning and governance in India, which directed the identification of specific cases for detailed examination and analysis. The problem-based ethnography enabled both the identification of conceptual directions and appropriate cases. So, the conceptual approaches in this research developed as a result of constant interaction between the realities encountered during the ethnography in the field, the tacit and intuitive reflexivity of the researcher and critical engagement with various theoretical approaches in planning, public policy and governance.

This had its effects both on the structure of the research process (i.e. on the time spent to collect data in the field) and on the ways the theoretical framework developed. This impact could be seen in the form of adopting a split fieldwork method, where I spent two phases in the field separated by a long period of analysis at the research desk searching for specific conceptual framing. In the case of theory, this impact was reflected in both how concepts emerged in the field and how these concepts were developed further at the research desk. Thus, the time spent in the field as well as at the research desk has contributed to both the development of theoretical approaches and case selection.

My field research started with a two-week reconnaissance visit conducted in December 2007, during which I examined the relevance and the significance of the problem of violations in Bangalore. Later, I spent fourteen months in the field, staying in one of the complex revenue layout/urban villages in Bangalore named Sultanpalya, located not far from important government offices. These fourteen months were divided into two phases. The first lasted for six months from February 2009 to July 2009. During this phase, I looked at the broad canvass of violations and the planning process. After the first phase, I spent about six months conducting desk research at the LSE from August 2009 to

January 2010 examining and analyzing the data, identifying conceptual and theoretical questions raised by the data as well as identifying specific projects and cases on which to focus during the second phase. The second phase lasted for eight months from January 2010 to September 2010. During this phase, I spent most of my time focusing on the specific cases, the practices of planning, violations and neighbourhood activism based on the case study sites.

Land-use violation is a confluence of complex interactions between a wide set of actors working with legal, illegal and extra-legal methods engaging constantly with the planning system. Hence, tracking the operation of this complex network required me to be very open and eclectic in designing my data collection method. As mentioned in Chapter 1, more than seven institutions in one way or another engage in land-use planning activities in Bangalore. Extra government bodies, semi-government organizations, intermediaries, NGOs, community organizations and many individuals engage in various ways with planning, violations and illegalities. Hence, data for this research was acquired from a variety of sources: policy documents; the plan-making process; the implementation and enforcement process; court cases and judgments; practices; perceptions; impressions of planners and activists; contested politics; conflicts and resolution of particular projects; and problems and details of community activism.

A wide range of techniques were used to collect the data. This included semi-structured interviews, participant observation, open-ended interviews and document analysis. Altogether 120 people were approached for interview, out of which 108 people took part in a detailed one-to-one meeting. Interviewees comprised thirty local neighbourhood activists and ten non-activist residents in the wider Koramangala neighbourhood, eight prominent NGO activists, nineteen planners, eleven planning consultants, 21 bureaucrats and public officials, seven prominent politicians, nine academics and researchers, seven real estate agents, consultants and property developers, four senior government advisors, six judges and senior lawyers, and two journalists. In addition to these meetings, I also had the opportunity to talk to a number of

people in various neighbourhood meetings, activist collectives, academic seminars and official and friendly gatherings. For the specific case study projects, I had discussions with individuals as well as groups. A number of these discussions were conducted through multiple meetings at various occasions spread over the 14 months. Many people whom I interviewed have more than one role; for example, as a bureaucrat and a resident, or as an activist and a resident. Sometimes my interviewees invited their friends and colleagues to join us during the meetings, and this provided me with a wider perspective as well as multiple examples. One local activist, two NGO representatives and four public officials declined to meet me after reading and listening to the broad outline of the topic that I wanted to discuss with them. A detailed list of interviewees without their identities is included in **Appendix 1**.

In the following section I will discuss the significance of being a *native* researcher in the field. I pay particular attention to my identity as an Indian who had participated in many complex political processes for about twenty years before this research process began and as an urban designer and planner who had worked in various projects in different parts of the country.<sup>39</sup>

### **3.3 Motivations, situated-ness, reflexivity and insider-outsider status**

Even though this research began with the problem of violations and Bangalore, it can also be said that it began with the subject of politics in land-use planning. As a planner who was trained and had worked in India for more than a decade, I had witnessed the institutional framework, practice protocols, instruments and procedures of the planning system in general as well as its everyday practices in many parts of the country. During my work, I encountered an everyday practice of planning similar to what Flyvbjerg (1998, 2002, 2006) had observed in Denmark. Flyvbjerg (2006) notes that in the boardroom of the planners of Aalborg in Denmark, he discovered that one could not find the ideal representative democratic theory in practice; instead, planning involved the

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<sup>39</sup> I was a student political activist in Kerala between 1988 and 1996 and had also worked as a consultant for Urban Design and Planning projects from 1997.



negotiation of many *illicit deals*.<sup>40</sup> This was very different from the various normative and idealised theories of the planning system in which I was trained. As a member of the planner community, these deviations were understood as *rules of the game*. There was not anything strange; it was usually understood as the difference between academy and practice. Many a project's processes – e.g. on eco-tourism, heritage conservation, urban poverty alleviation, area planning – witnessed many random turns that baffled me, the naïve public interest-oriented practitioner that I was. The usual line of consolation to which we resorted was that these were '*implementation failures*'. Such *implementation failures* were all around us in the form of broken sidewalks, clogged and overflowing drains, reclaimed wetlands, un-built roads, underdeveloped parks and playgrounds and abandoned or collapsed public housing, deteriorating heritage stock and so on. As planning consultants, many of us reminded ourselves that our job was to advise decision makers on plans and policies. Implementation and enforcement was a matter of political will and administrative efficiency and planners were not expected to do much about it. However, complex turns in direction on projects and the many repeated experiences of implementation failures made me reflect on these everyday realities, to move beyond naïve representations and appreciate the politics in planning. One of the main questions that I found myself asking was: *what is planning used for? That is, who uses planning in what way and for what purpose?*

The planning enterprise in India, like most planning regimes, consists of various planning instruments developed and implemented through the state's political, legal and administrative bureaucracies. However, this planning system seldom functioned in any structured manner. In India, the practice of planning is frequently connected with transfers and postings, a nice-looking media item with a photo shoot, imminent elections, land speculation, political patronage,

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<sup>40</sup> He notes "here I found a highly undemocratic, semi-institutionalized way of making decisions, where leaders of the business community and of the city government had formed a secret council, which effectively replaced the democratically elected city council as the place where important decisions on urban politics and planning were made. My colleagues in the third world nations, who appear to hold fewer illusions about markets and democracy than academics in the first world, get a good laugh when I tell my Aalborg stories. They see that after all, we in the north are not so different; we are the third world too" (Flvybjerg, 2006, p.228).

contradictory policies, etc. I constantly found myself asking: how should one account for the way *planning is practiced*?<sup>41</sup> This research is therefore influenced by this situated-ness and my experiences of the various ways in which everyday politics operate through the practice of planning in India.

Hence, rather than a neutral observer making universal claims, this research process, from the beginning recognized the strength of this situated-ness as a resourceful intervention in producing knowledge about planning and violations in India. Even though many argue that *displacement* is central in the process of ethnography and that the idea of a *native ethnography* is oxymoronic, there are others who argue that insider-ness can be effectively deployed to enable the production of a situated knowledge through a reflexive engagement (Bunzl 2004; Bourdieu 2003; Haraway 1988; Rose 1997). Instead of moving away from this subjective position or entirely view the world from it, I took the position that a reflexive examination of violations would enable a contextually relevant explanation. While the researcher should be open to counter-intuitiveness, remain truthful to the data and develop some generalizing propositions, the tacit understanding embedded in the researcher is an important resource that can contribute immensely to, rather than impede, the production of locally relevant knowledge.

But what is the nature of this situated-ness? The debate on the insider-outsider status has come a long way from the understanding of insider and outsider as two exclusive domains to an understanding that, all of us are simultaneous insiders and outsiders in any arena of examination. Rose (1997), while recognizing the importance of situating knowledge, also argues that there can be varied forms of situated-ness according to the multiple identities that all of us possess as social beings and as researchers; accordingly the reflexivity can occur in diverse ways. Similarly, Woodward (2008) asserts that knowledge is in fact generated out of an interrogation of situated-ness, i.e. one's insider-outsider status, rather than simply acknowledging situated-ness or identifying oneself as

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<sup>41</sup> When I say "planning", I mean the planning system, the planning idea and the planning process. Planners, politicians and bureaucrats through their practice interact with the system, with sets of ideas and with processes and make plans, policies and planning laws, and implement and enforce them.

an insider; so it is argued that insider-ness is *neither achieved nor ascribed*, but rather it is a process of an *on-going evaluation* (Labaree 2002; Taylor 2011). Various forms of insider-ness can occur due to the researcher's biographical profile, political activities, research agendas and the relationship with the community of study. However, a research process demands moving in and out of the positional boundaries to enable a reflexive examination. It is in the interrogation of these positionalities that epistemological directions develop (Labaree 2002). I contend that it is from a situated, yet reflexive examination of the empirical problems in the field that new epistemologies will emerge from the new geographies of the South.

Therefore, to me, the field - Bangalore - was simultaneously familiar and strange. As a planner I was quite familiar with the planning system, the institutional framework and practice protocols and procedures generally in operation in India along with the negotiations in everyday politics. However, I was quite unfamiliar with the particular modalities of how exactly various social and political actors engaged with planning in Bangalore, even though I had the experience of witnessing it in other parts of India.<sup>42</sup> I wanted to study a region where my preoccupations and insider knowledge of how politics operated would have minimum influence. So I chose Bangalore because I had neither studied Bangalore formally nor lived there. Furthermore, being a South Indian, Bangalore was an approachable landscape in terms of language, culture and codes of communication compared to other large cities further north. I could speak three of the five main languages used in Bangalore. So a reflexive deployment of my familiarity enabled me to access the right people, as well as to ask new questions. These included questions about the experience of the master planners during the current Master Planning process, the ways in which the regularization bill and land ownership could be connected to violations, the specific ways in which neighbourhood collectives operate and so on. This enabled me to move beyond a typical planner's conceptualization of violation as implementation failure and lack of political will and the discourses of corruption.

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<sup>42</sup> In Ahmedabad in the state of Gujarat and across the state of Kerala

Further, Bangalore has been a focus for geography for contemporary urban and development scholarship from a variety of perspectives. Many scholars have written about Bangalore, examining its role as a node within the new age informational economy networks in India: the role of state in science, technology and industrial policy; conditions of labour; transformations in urban geography and architecture; and accumulation of global capital (Hietzman 1999a, 1999b, 2004; Nair 2005; Parthasarathy 2000; Searle 2010; Sotarauta and Srinivas 2006; Stallmeyer 2011; Upadhya et al 2009). Nair (2005) and Srinivas (2001), for example, have written about Bangalore's imagined and real transformations and the impacts of these on the internal socio-political and cultural landscapes. A number of scholars have also recently examined the many forms of elite and corporate involvement in the governance arena as well as the many forms of middle class and neighbourhood activism (Ghosh 2005, 2006a, 2006b; Kamath and Vijayabaskar 2009; Harris 2005, 2007). Goldman (2010) examines the emergent land politics, accumulation of speculative capital and how this influences the urban geography. Bangalore, along with Delhi, had been an important site where the ideas on *occupancy urbanism* and how the urban poor and street vendors construct their livelihoods by deploying their local political networks (Benjamin 2000; 2007, 2008) were developed. Others have written about the impact of current transformations on various resources and public commons such as trees, lakes and water (Dittirich 2007; D'Souza and Nagendra 2006, 2011; Ranganathan et al 2009).

A critical examination of planning practice is a conspicuous absence in much of this scholarship. It is not that these scholars have not touched upon planning; they have indeed, but within the context of their main object of examination, i.e. street vendors, land speculation, development of the informational economy, gender and the environment. How planning practice can be understood in relation to its own violation is seldom examined.<sup>43</sup>

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<sup>43</sup> Nair [2005] is an exception where she portrays planning as negating various terrains of forces when discussing the relationship between the map, the territory, the state and illegalities.

Further, the rapid transformations that the city was then going through also made Bangalore a relevant site for the empirical research on planning practice. The city was experiencing a surge in the accumulation of capital, rapid changes in the urban geography, population and economic growth, and high levels of neighbourhood, urban poor, elite, middle class and corporate activism. These shifts are integrally connected with the practice of planning due to the pressures on land, infrastructure provision and services, behavioural control and institutional culture of administration. Moreover, Bangalore has an institutionalized planning system, planning laws, planning instruments, procedures and protocols and professionally trained planning practitioners, which together can be seen as broadly representative of the planning system in most parts of India, especially in the large cities.

In the following section I will discuss how conceptual directions used in this dissertation emerged during the research process while examining violations.

### **3.4 From problem-based ethnography to theory and cases**

#### **3.4.1 The problem**

Planning violations are familiar phenomena for most practicing architects and planners in India. Clients often demand designs that are higher than the permissible floor area ratio and sometimes beyond the permissible boundary offsets. However, I encountered violations as a potential research problem to examine politics in the planning practice during a conversation with an NGO activist in Bangalore whose work aims to improve accountability, fiscal responsibility and institutional capacity of the state and planning. This occurred during the reconnaissance fieldwork in Bangalore I conducted within a couple of months after starting my PhD.

During this initial visit, I interviewed a number of government planners and NGO activists. The above-mentioned activist asserted that violations are a result of the weak capacity of the planning department in Bangalore; i.e. their inability to make plans that can be implemented and enforced. In contrast, a number of

government planners I interviewed argued that there was enough capacity in the government to make appropriate plans and that the plans they made were scientific. Violations, they argued, were the result of the lack of political will to implement and enforce the plan and the lack of a general awareness among the people of Bangalore along with increasing *greed* in society.<sup>44</sup> Moreover, they argued that the IT-led growth in Bangalore after the mid-1990s took everyone, particularly the planning system, by surprise. Neighbourhoods like Koramangala and Indiranagar in the southeast of the city<sup>45</sup> where Information Technology companies operated initially were en-route to the large Information Technology parks. These neighbourhoods unsurprisingly became not only the centre of the land-use and building violation controversy but also sites of local resistance. The 2005-06 new draft Master Plan for Bangalore proposed to relax the rigid land-use classifications. It proposed a range of new instruments such as mixed land use and mutation corridors, which implied a fundamental shift in the strategy of land-use distribution in the city. Along with this in 2006, the government initially proposed the regularization scheme to legalize many land-use and building violations.<sup>46</sup>

While the policy, planning, and administrative ensemble in Bangalore proposed fundamental transformations to the land-use regimes, many resident collectives emerged in various parts of the city to challenge these transformations, particularly in relatively wealthy and planned neighbourhoods such as Koramangala and Indiranagar. Through my discussions with various public officials and NGO activists during my first reconnaissance field visit I came to know that a neighbourhood residents' collective in Koramangala, named Koramangala Initiative (KI), were challenging illegal land-use changes in their neighbourhood. A larger collective named the Citizens Action Forum (CAF), comprising of the various Residents Welfare Associations (RWA) and other

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<sup>44</sup> A large number of variables are usually perceived as being associated with violations: greed, political will, an inappropriate plan, corruption of local engineers and higher-level planners and administrators, regulating the use of private property as an unfeasible idea, general awareness of the public, political interference during enforcement, higher land values, unexpected and rapid growth, direct political and administrative corruption and so on.

<sup>45</sup> **Map 5. P171; Map 6 p172**

<sup>46</sup> More detailed discussion in Chapter 5

organizations was challenging both the regularization drive and the new Master Plan. I became convinced that land-use violations as a site for the simultaneous denial and restoration of *planning* and the *rule of law* was an ideal site to examine land-use planning politics in Bangalore. Violations were the site of planning and deviation simultaneously, of illegality, of regularization and mixed use, of resistance and social movements. Higher levels of violations and the robust residence activism against violations convinced me to begin examining the problem using cases from Koramangala that also happens to be a wealthier neighbourhood. In the following section I will discuss how the specific characteristics of the site of violations that I identified contributed to the conceptual framing within a notion of culture of governance.

#### **3.4.2 Discovering culture of governance and emergence of conceptual directions**

Debates around the role of theory in ethnography has divided ethnographic method into mainly two camps: as Wacquant puts it “from theory to fiction, from explanatory and interpretation to observer concept and native percept”, (Wacquant 2003, p.4, 5). Theory-informed ethnography on the one hand posits that ethnographic sites are to be used to reveal the macro structures and processes by moving outwards from the field. Theory-generating or even theory-negating ethnography, on the other hand, aims to develop locally specific thick descriptions about the micro context of the field. So, Wacquant takes the position that there is no such thing as ethnography that is not guided by theory (Wacquant 2002). Similarly, critiquing the thick description of the specific locale and the narcissist reflexivity of auto-ethnography, Bourdieu (2003) calls for a reflexivity based on the *objectivation of the subject of objectivation*, wherein the generation of knowledge from the field interacts with both the personal identity and location of the researcher in the intellectual field (Bourdieu 2003; Wacquant 2002, 2003). These authors both question the possibility of a totally grounded approach to theory construction, isolated thick descriptions and the traditions of auto-ethnography. Timmer and Tavery, however, contrast theory-driven ethnography with Grounded Theory (GT) approaches. They argue that “field workers in Grounded Theory approach take

their theoretical clues from the *ethnos* - the lived experience of a people as bounded by various structures and processes” (emphasis original). Referencing the GT approach to epistemology, they believe “theories grounded in substantive areas could lead to formal theories of social life” (Tavory and Timmermans 2009, p.245).

Instead of taking such extreme positions, many others call for a mutually constituting role where theory and ethnography sharpen and ground each other (Snow et al 2003, Anderson 2009). Michael Burawoy (1991, 1998, 2000) for instance, proposes an extended case method for what he calls a *global ethnography*. He asserts that the local cannot be studied as local places, but only as places of interconnectedness in which the researcher moves “from specific small observations in their ethnographic field towards outside to wider problems and larger structures within which the subject is contained or constrained in their practices” (Burawoy 2000, p.5). Likewise, many authors have proposed to move beyond the idea of a bounded field, towards the notion of a field that is interconnected and shifting (Appadurai 1997; Gupta and Ferguson 1997). Gupta and Ferguson posit that “the field is not just a parochial local place, but a place [that] has its connected links and networks with the outer world and its interests. A field is thus a meeting point” (ibid, p.39). They believe that an ethnographer, during fieldwork should not only engage in direct observations, but also work with government documents and various other forms of material that could illuminate the field. They argue:

“The political task [of an anthropologist] not as sharing knowledge with those who lack it, but forging links between different knowledge that are possible from different locations and tracing lines of possible alliance and common purpose between them. In the sense we view research area less as a field for the collection of data than as a site for strategic intervention.” (ibid, p.39)

I contend that whether theory is discovered (from the field), extended (from one substantive field to another) or refined (tested or reformed) in ethnography, theory and ethnography can mutually inform each other while connecting *local places* to *wider geographies* and *epistemologies*. Given the current debates and interest to move beyond the *western* hegemonic paradigms



and trajectories of theory that dominate the current research culture in urban studies, planning and human geography, I was keen to explore the possibility of a contextually relevant approach to the research question that could make sense of the conditions of urban living in the South (Robinson 2006; Roy 2009). To that end, I adopted the approach of working in the field with theoretical sensitivity rather than using any particular theoretical frame or hypothesis that would inform my fieldwork and direct data collection. Before I went to the field, I sensitized myself to the main theoretical approaches to urban politics, urban planning and violations in India and elsewhere. Before the first phase of the fieldwork, my research proposal identified the importance of locating the problem within the implementation and policy process instead of just decision-making. I examined the elitist, middle class, pluralist and regime approaches to studying urban politics and planning as well as the subaltern and post-developmental approaches prevalent in the debates on Indian urban studies discussed above. Nevertheless, I stayed away from adopting any one of these particular approaches as my theoretical framework for analysis and hoped to develop conceptual directions by giving emphasis to the empirical material that I would come across in the field.

As a consequence, the research process during the first phase was very open-ended and explored the problem of violations from a variety of practice perspectives. Activities included in-depth interviews, informal conversations and participant observation along with witnessing the various ways in which urban life in Bangalore unfolded in front of me. I call this *mapping the terrain of the problem*, moving outwards from yet remaining connected to the problem. Bangalore appeared to me as a city where violating the rule of law was part of everyday life and everyday governance. I witnessed many bribe exchanges in public spaces as well as specific tactics to circumvent rules in the process of governance. Reports of murder on the streets appeared in the newspapers frequently. There were many instances when people were killed in random ways in the city: a wayside tree falling onto moving vehicles or residents being

sucked into storm water drains during a monsoon.<sup>47</sup> In one particular case, an eight-year-old boy drowned in the floods after a couple of hours of rain. It took administrators several weeks to find the body and led to the resignation of the BBMP commissioner.<sup>48</sup> In another instance when I was on my way to drop a friend home in an auto rickshaw, I saw a huge tree that had fallen across the road crushing an auto rickshaw underneath and killing its driver.

I observed that many pavements in Bangalore were not usable: many were filled with spill-over from adjacent construction sites; dug up and left open; riddled with broken slabs exposing the huge crater of the drain below; planted with tropical rain forest variety trees with huge buttresses; paved, grassed and planted over by the nearby properties; used by motorbikes at the traffic signals; or used as parking space. Crossing the road on foot is very dangerous. One has to move through a sea of vehicles that do not stop at the zebra crossing. Once, when I asked a traffic police officer to help me cross the road at a zebra crossing, I was told to cross when a gap appears because he said he did not want to cause a traffic jam.

I stayed in a neighbourhood that was a *revenue layout*<sup>49</sup> and frequently moved through many corridors in the city where garbage filled the street edges and cows, dogs and humans scavenged the garbage. Whenever I travelled along these streets on a motorbike during the night, I used to carry a long stick with me to scare the pack of street dogs that used to invariably attack the bike.<sup>50</sup> The public realm in Bangalore represented the state of governance in the city: fragmented, careless, and casual and in perpetual crisis.

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<sup>47</sup> See for example “School boy washed away in Vrishabavati Canal” 14 May, *The Hindu* newspaper, available from [www.hindu.com](http://www.hindu.com).

<sup>48</sup> After he handed in his papers, the commissioner claimed in an interview that he was removed not because of this issue, but because he did not agree to the planning violation conducted by the relative of an important public official in Bangalore. The ex-commissioner repeated this in an interview given to me as well.

<sup>49</sup> A revenue layout is an illegal conversion of farm or village lands into housing. Detailed discussions appear in Chapter 5.

<sup>50</sup> Dogs chasing motor vehicles and pedestrians are common during the night in many parts of Bangalore. One of my friends told me that he got so furious one day with these dogs that he carried an iron rod and battered a couple of them one night. The gory details he narrated reminded me of the aggressive relationship between animals, people and the city that Alejandro Gonzalez Inarritu conveys in some of his movies.

Many senior public officials I met during my fieldwork sat in the middle of huge pile of files. I was told by at least three important senior administrators in the city that they have to examine anything from 100 to 300 files a day in addition to attending meetings with ministers, the general public, people with special referrals and subordinates. I frequently waited for hours to meet a planner or an official who sometimes never turned up, or sometimes spoke with me while simultaneously signing paperwork, giving orders to officials or talking with others. Conversations with a number of senior and junior planners and officials were filled with narratives of the problems they faced with their own administrations, political colleagues and government, which they said stopped them from performing their roles. Many of them sounded as though they felt helpless in the face of pressures from political and administrative colleagues.

Bangalore came to appear to me as the geography of different forms of violations; in other words, different forms of social governance that followed very unique responses to different situations. I became aware of the usefulness of the term "*jugaad*", which has become fashionable in some of the academic literature (Chattaraj 2012; Roy 2009; Tully 2012, 2013).<sup>51</sup> *Jugaad* refers to *appropriateness* or *appropriation*, an adjusted solution, making one's way through the complexities one faces. It refers to conjuring up a unique solution for a unique situation. During a conversation, one of my friends was agitated that many academics working on urban studies in India seem to support the idea of the *jugaad state*.<sup>52</sup> A general dissatisfaction with the culture of governance was visible across the social sphere. For example, *Praja.in*, a social media platform blog where a number of people in Bangalore write, reflect, critique and argue about the complex problems of governance and living in Bangalore introduces itself in the following way:

*"Yathaa Raja thathaa Praja'*, so we read in certain ancient texts. Times have changed. In these modern democratic days, *'Yathaa Praja tatha Rajaa'* is more like it. Raja only reflects Praja. The so

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<sup>51</sup> *Jugaad* refers to make do- appropriation (of things or actions) to suit specific circumstance

<sup>52</sup> Sudhir Krishnaswamy is an academic and a practicing lawyer based in Bangalore. Also see (Chattaraj 2012)

called politicians and everyone else we blame no end only mirror our society and us” ([www.Praja.in](http://www.Praja.in), emphasis original)<sup>53</sup> These words reveal the perception among a large group of people that social attitudes are reflected in the culture of governance. My local *paanwalla*<sup>54</sup> during one of our conversations told me that increasing *greed* is making Bangalore very unsafe, inhospitable and a cruel city. In fact many officials, activists and politicians argued that increasing *greed* in society is the cause of violations, corruption, lack of safety and the deteriorating quality of life in Bangalore. So, I became increasingly aware that planning could not be studied separately from the political and administrative and social perceptions about the *culture of governance*. Numerous such experiences convinced me to examine violations as a site to examine the culture of planning. It was during this phase that the skeletal idea of violations as *planning in vernacular governance* emerged, and this was further developed by engaging with the anthropology of the everyday state, the relational state and governance literature.

The six-month process of reflection at the LSE after the first phase of the fieldwork was used to analyze the data collected and to identify specific themes that emerged. This period was also used to identify new literature that resonated with the themes that emerged out of the data; in particular, literature on the state as embedded in society. Moreover, specific cases were identified for examination in detail for the second phase of the fieldwork. The precise ways in which the planning and governance process operated, was subverted and restored were identified around these specific cases. It is in this context that the notions of private and public interest networks and planning power emerged as analytical categories. This split fieldwork method enabled breadth and depth at the same time, while also providing me with the opportunity to develop context-sensitive conceptual approaches to the research question.

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<sup>53</sup> Means ‘as the king so the people’; A proverb that is said to appear in Kautilya’s Nitishastra- A treatise on justice written around 300 BC. It says:

“yathA bhUmis\_thathA toyaM, yathA bljaM tathA’nkuraH  
yathA deshas\_tathA bhAshA, yathA raja tathA prajA”

(Translation: “As the land so the (ground) water, as the seed so the sprout, as the region(country) so the language, as the king so the people”)

<http://blog.practicalsanskrit.com/2010/01/like-father-like-son-yatha-rajata-tatha.html>

<sup>54</sup> Local shop owner

### 3.4.3 Identification of specific cases for study

As discussed before, illegality, informality and irregularity in Indian cities have been framed in many different ways in academic scholarship. To remind ourselves again: Roy (2009) developed the ideas of state of exemption and neo-liberalism; Benjamin (2007, 2008) developed occupancy urbanism; Holston (2008) argued for an understanding of insurgent citizenship; Pritchett (2009) developed ideas of a flailing state; Kohli (1990) ascribed this to the weak state; Chatterjee (2004) argued that it is political society in operation; Gupta (1995) suggests that it shows blurred boundaries; Ghetner (2011) used this to theorize rule by aesthetics; and many others developed ideas about bourgeois environmentalism and so on. Even though my research engaged with these different theoretical understandings of illegality, informality and irregularity as part of the fieldwork process, during the detailed examination of the various instances of violations in Bangalore, my framework in due course shifted from subversion of *the state* to public and private networks in planning and questions of planning power in the culture of governance.

One of the key debates around the case study method is the possibility to generalize from a single case, i.e. '*what is the research a case of?*' It is argued by many that single cases are limited in their ability to develop any generalization. Critiquing this approach and defending the value of small *N* case studies to generate theory, Flyvbjerg (2006) states: "Predictive theories and universals cannot be found in the study of human affairs. Concrete, context dependent knowledge is therefore more valuable than the vain search for predictive theories and universals" (p. 224). Similarly, Mukhija (2010), while addressing this question proposes what he calls *N of one plus some* case study method. In this method he proposes the detailed examination of one case while also following up other similar cases, albeit in lesser depth. This, he argues, could give more grounding to the detailed case. As an example he discusses the experience of studying a slum rehabilitation programme in Mumbai. Due to lack of time and data access issues, he decided to study one case in detail and follow up the other three in lesser depth. In this process, he notes that his understanding of the main case improved considerably due to the wider

understanding provided by the secondary cases. For instance, he notes that through this method he learned how the willingness to pay bribes impacted a certain programme implementation.

However, the idea of a bounded primary case itself is a limited notion because most cases contain multiplicity and case study researchers develop their cases, linking manifold instances that constitute the case (Gerring 2004; Mukhija 2010). The instances and linkages that form a case are not always very simple because the categorization of a case can change and evolve as the study proceeds (Mukhija 2010; Gerring 2004; Ragin and Becker 1992). Ragin and Becker (ibid) posit that the “final realization of the case’s nature may be the most important part of the interaction between the ideas and evidence” (p.6). Hence they assert that the answer to the question “what is this research a case of” during the process of research is that “it depends” (p.6). Mukhija (2010) shows how his case changed from that of resistance to that of community leadership during the process of research.

During field research, I came across numerous cases through close observations of neighbourhoods and neighbourhood activism. These cases enabled me to examine in depth the connection between planning and violations and many times to discover many unknown unknowns. These include how a project moves from legal to illegal to legal, or how the process of violating land-use regulations takes place. Some of these cases were already in the public domain and under litigation such as the transformation of Mestripalya Lake in Koramangala.<sup>55</sup> This case helped me to understand land encroachment, as well as how different ownership claims on land can be related to land-use violations and to public and private interest networks in governance. Similarly, the close study of the activism of a neighbourhood collective, the Koramangala Initiative, and their litigation against violations revealed to me how government actors divide and rule, and how social actors move from rule-of-law-based activism to outcome-based activism. Some cases were followed in finer detail and some in lesser detail. A number of specific cases - *Mestripalya Lake*, the politics around

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<sup>55</sup>Detailed discussion on this case appears in Chapter 7

the *Regularization Bill* and the *Masterplan 2015* process<sup>56</sup> - were particular instances of land-use violations and neighbourhood and community activism, and examples of planning practice narratives were connected with each other during the analysis and development of arguments presented in this dissertation.

### **3.5 Data identification, access, collection and analysis**

The varied practices of policy, planning, resistance and subversion around the problem of violation meant that the constituents of my research were spread across a number of institutional and organizational settings in the social sphere: inside the government, neighbourhoods, and community and civil society organizations. A number of NGOs are involved in supporting various activities of the government while a number of others question it. Many community collectives and neighbourhood associations critically position themselves against the violations in their neighbourhoods via legal and/or informal means. Many formal and informal collectives work as right-to-information activists and as policy and planning lobbyists. The process, which I had to adopt, can be called *ethnography of planning and violation networks*. Compared to studies of decision-making, or even of the policy process and implementation, ethnography of this widely networked process demanded specific methods for data collection appropriate to the constituents. So instead of a conventional institutional ethnography where the researcher can locate him/herself within the setting of an organization such as a government body or a geographic setting such as a neighbourhood, this research had to adopt an ethnography of planning networks, violation networks and resistance networks that intersected at specific projects and practices. As Shore et al (2005) note for anthropologies of public policy, it is important to incorporate “the full real process and relations in the production of policy: from policy makers and their strategic initiatives to the locals who invariably shape and mediate policy while translating and implementing it into action” (p.34). Therefore they argue, “in an ultimate sense society itself is policy making” (p.15), and so,

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<sup>56</sup> Discussed in chapter 5 and 6

“Studying policy requires rethinking an anthropological pillar- the discipline’s traditional concept of *the field*- as a single and (relatively) geographically bounded place [drawing from Gupta and Fergusson 1997]. Today, the field often consists of loosely connected actors with varying degrees of institutional leverage located in multiple sites that are not always even geographically fixed” (p.35).

The constituents of this kind of method were distributed across the city, and even across the globe. My research could have taken me to Manila, Paris and Ljubljana for interviews; however the research budget limited the scope in this instance.<sup>57</sup>

The specific cases identified were centred on land and land-use conflicts and claims, policy problems, decision-making process and litigation. These specific geographic cases identified were mostly in Koramangala and they helped me to focus the enquiry and examine how various actors, policy and administrative practices are related to these problems. Specific cases also helped me to discover many unknowns, which are frequently the fruits of such ethnography. In other words, from exploring the problem of violation, this research identified its constituents and how they are involved with the problem.

I identified and met almost all of the members approached for this research in four ways: 1. snowball referencing; 2. conferences and workshop; 3. hanging around in government offices; 4. friends’ networks, community and activist group gatherings and being a member of email groups. As with all reference-based snowballing, the nature of the conversation also depended on the reference or the *green card*.<sup>58</sup> It was important as part of the research method to embed myself in the context in order to achieve a thoroughly grounded understanding of the research question and to meet a wide range of people. I found myself doing a small piece of research on the plight of lakes in

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<sup>57</sup> Many actors who were closely involved with planning in Bangalore have since relocated to these cities for various reasons. In fact I had one phone conversation with a person in Manila.

<sup>58</sup> One real estate agent used this word to imply that I have access to his classified information, because he was a good friend of a good friend who came with me to the meeting. He said that I walked in with a ‘*green card*’ and that he would be happy to share with me the information of many secret practices from his trade.



Bangalore<sup>59</sup> in parallel and taking part in master classes with academics, giving papers in planning-related seminars and conferences, attending climate change workshops and conferences, participating in a communal harmony discussion forum, attending a seminar on World Habitat Day and Institute of Urban Designers meeting and visiting art exhibitions. It was in this wide range of forums, where I met many people with whom I later followed up to arrange meetings. This motley group included real estate developers, former ministers, officials, planners, civil society activists and residents.

For example, during the first phase of my fieldwork I met a neighbourhood activist at a friend's art exhibition. After meeting with me later at her house for a detailed conversation about my research, she introduced me to the Koramangala Initiative (KI) network. In fact, my first phase of fieldwork in Bangalore started with this lead. The KI network members deliberated a long time before they decided to invite me to a community-led cleaning of a neighbourhood lake in Koramangala where I had the opportunity to participate in the event and meet a number of other group members.<sup>60</sup> This was later followed by individual and small group interviews at their homes or at various coffee places. Later I attended their gatherings where I sat in a corner listening and recording the events in my notebook. I had the opportunity to attend a number of KI meetings on a range of issues including the Mestripalya Lake restoration and the critical evaluation of the Master Plan. I was invited to join their email group named *Save Koramangala*, where I could access and examine all the past emails and various posted documents. This enabled me to understand how the organization operated and the various debates and concerns among its members. I continue to be a member and keep educating myself on the various issues and debates. I have similarly been invited to be

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<sup>59</sup> The research was carried out with Rohan D Souza and Vidya Udayan with the aim of presenting at a conference in Cambridge University on natural resource management. Two interviews used in this dissertation came from this research process. Written permission from fellow researchers is taken to use those interviews for the purpose of this dissertation.

<sup>60</sup> Agara Lake: I was a constant presence during the field work period on a number of their events simultaneously participating, taking and observing the process, group dynamics and talking about various issues.

part of the email groups of many an activist collectives and NGO groups after having attended their gatherings at various times.

Many activist collectives were careful before letting me into their gatherings and discussions. This was also because Bangalore was becoming a hub for so-called *western* researchers. Many researchers came and went without letting the activists know what they finally wrote about Bangalore and their practice. They felt that nothing had been returned to them or to the city by these researchers. Such *selfish* acts, as one activist collective put it during our conversation, had been annoying and a discouraging factor for many activists - who were motivated by the idea of public interest - to engage with researchers. The political commitment and belief in public interest keeps the activists going in the dangerous spaces of activism in Bangalore. Almost all of them later opened up to me and even shared a number of documents after I assured them that my research outputs would be made available to them and that I would use the data with the utmost responsibility.

I was not only interested in the particular questions of my research, but also in many of their activities. Therefore, I used to hang out with them during their various meetings. For instance, I attended a couple of right-to-information appeal hearings with them at the office of the Karnataka Chief Information Commissioner. There, I witnessed the many processes involved in local activism, the role of the many informal networks that they had cultivated with government officials, the process of negotiation and argumentation, their astuteness in identifying various forms of corruption and the significance of their activities and various collaborations.<sup>61</sup> Along with participating, I also used to think aloud with them about some of the issues. This process needed patience and time; the data accessed through such ethnographic means are rich in detail and usually impervious to a research process that relies on a limited number of formal structured or semi-structured interviews.

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<sup>61</sup> An appeal hearing occurs when the right-to information applicant is denied information by the government organization to which the RTI application was made.

Similarly in another instance, the initial conversation I had with the residents and activists of Mestripalya Village were like the ready-made stories that journalists usually get from conflict areas, where the activists emphasize their claims. However, after I was introduced again to the villagers by someone they respected, the nature of conversations changed fundamentally and this enabled me to see much deeper into the issue as well as to hang out and talk to people from a wide range of backgrounds. Conflict areas could be very impervious to a researcher without sufficient references in the Indian context. During the late 1990s, I was questioned by the police on two different occasions, while conducting research on environmental conflicts and building violations. These experiences have taught me that many forms of geographical information are socially guarded and accessible only through associational access. In other words, it can be seen that only associational access opens up associated information about social geographies.

This was not only the case with activists and residents, but also with the public officials. Even though I had obtained permission and support letters from the heads of the respective departments before I interviewed public officials and requested documents, it was the familiarity and the friendly space that had enabled me to access some of the most important data on the planning and public administration practices. On many occasions, I met them first at a conference, workshop and public meetings or approached them through references from friends before obtaining a detailed one-to-one discussion in their offices.

However, given the nature of the research topic, access issues continued to appear time and again with officials. In one instance, even after presenting all the documents and letters of support for my research from various officials, a senior officer with whom I requested an interview told me that their department had decided not to let *foreign* researchers study the lakes in Bangalore, because: <sup>62</sup>

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<sup>62</sup> I was perceived as a foreign researcher by some, and as native by others, which had a differential impact on access and the nature of data obtained.

“You guys will come here, do your research and tell us what we already know. You will tell us that our lakes are encroached, and they are in a bad shape. What is the point in you telling me things that I already know? Further you will write about our lakes and create a bad image for Bangalore around the world” (Interview with a Very Senior Civil Servant, GoK, June 2010, **Appendix 1**, no.107).

Similarly another officer told me that I might bring into bad reputation the whole of the city’s administration by writing about planning, because “we don’t follow even our own Master Plans” (Interview with a Very Senior Bureaucrat and Administrator, BDA, Bangalore, June 2010, **Appendix 1**, no.113). This concern about potential *bad image* or *reputation* of Bangalore outside India was one of the obstacles that I faced during the research, especially with many public officials.

However, by hanging around in the offices, issuing repeated requests and demonstrating that even senior politicians were talking to me, I got access to quite a few of the initially reticent public officials. However, some refused to meet me on many occasions or avoided me after giving me an appointment. In one example, I was unsuccessful in obtaining a meeting with an ex-commissioner of the Bangalore Development Authority even after many attempts during the fourteen months of fieldwork. “Come tomorrow,” “come after a week or two,” or “come back later” were the usual initial responses I used to get from many government officials whenever I walked in without a *proper reference* (even though I should note here that quite a number of them adhered to the appointments they had given me, and even saw me during public hours without appointment). An excerpt from my field notes is provided below to exemplify one among the typical experiences of going to meet someone in the government without proper references.

After repeated attempts to fix an appointment through phone and emails with the Mayor, Deputy Mayor and the Commissioner of the BBMP, today I went to the BBMP during ‘walk-in’ hours to see if I could meet them or their Private Secretaries in person. My

intention was twofold - to request a letter from the corporation permitting my research process and to request an interview.

First, I walked into the Mayor's Private Secretary's (PS) office. I asked the PS if I could get an appointment with the Mayor sometime. I was told that the Mayor was in the next room and that I could go in there and meet him. Wow, I thought, if only I had come here earlier!

I walked into a room that looked like a conference room with a big round table in the middle. I was asked by someone to take a seat among the row close to the wall along with many others who were sitting there. I thought this is such a friendly, democratic and welcoming office where meeting a politician won't be a daunting experience for ordinary people.

The Mayor was talking in Kannada, with some journalists, and many people were sitting around the table listening as well as conversing with him. From where I sat, he was inaudible. I quickly realized that it was press briefing that was being video recorded. The atmosphere was very ordinary and friendly, and very different from a typical senior civil servants office where it is usually silent, formal, and tense.

Once the press briefing was over, he sat there talking to people who waited there like me. I walked up to see if I could get a chance to see the Mayor and request an appointment. As I walked towards the Mayor moving slowly along a queue that had formed by then, a person in a blue shirt asked me what is it that I wanted to talk to the Mayor about. I explained my research to him and said that I would like to ask for an appointment with the Mayor as well as request permission to interview members of the council, and that his PS had asked me to talk to the Mayor about it

directly.

He told me that I should go and meet the Commissioner and that the Commissioner is the man responsible for the Corporation officials. I realized the mistake of using the word *officials*. The councilors probably aren't considered as officials, I thought. I repeated again that I wanted to get permission to seek interviews from the councilors and others in BBMP.

The man in the blue shirt said that the Mayor was very busy, and that I could not meet him. When I insisted, he said, "Okay, let's see". After the press briefing and after a brief chat with a couple of people, some of which seemed to be private conversations, the Mayor stood up and started walking. This surprised me because I thought he would sit there and meet people including me. He started walking towards me where the door was. I approached the Mayor. The man in the blue shirt introduced me to the Mayor and the Mayor shook hands with me.

The blue shirt man told the Mayor that I was a research student and I was seeking some information and that probably I should visit the commissioner. This irritated me. However, I managed to speak but it came out in English. The Mayor looked a bit confused. The blue shirt man translated what I said into Kannada. I tried to show the Mayor the letters from my LSE Department and from the Principal Secretary of Urban Development in Karnataka. While I was doing that, the Mayor without looking at my letters, started to walk past me. To my astonishment, without saying anything to me, he walked past into the anteroom where the other Private Secretary was sitting, and then again into another room further inside.

My fascination with the democratic space and friendly

atmosphere was over in a few minutes.

Later, I realized the blue shirt man is the real PS. I went up to him and told him that I'd like to get an appointment with the Mayor for an interview and that I could give a brief of my research and questions and that I need his help for that. He said that Mayor was busy that day, and too busy the following day with the council meetings. I was told the best thing would be to go back after two days, on a Thursday.

After a couple of such Thursdays and Tuesdays, when I would go there, wait outside, and see the Mayor walk past me or never turn up, I decided to let go of my dreams of meeting the Mayor and inform him of this wonderful research on planning in Bangalore for which I had hoped to interview him.

Later that same day,

I walked into the Deputy Mayor's office where I thought I should try. I had a letter to the Deputy Mayor ready with me. I went there and met a person who was wearing a white shirt. He asked me why I wanted to meet the Deputy Mayor. I told him the story again and showed my letters. I thought since the Deputy Mayor is a very young person and is an engineering graduate he might know the value of what I am doing and that I might be able to talk to him.

I was told that the Deputy Mayor was too busy in meetings that day. But the man in white shirt looked at my letter and took me into a cabin that was also a large meeting room that had no one inside. I guessed the Deputy Mayor might be inside his chamber adjacent to the anteroom. Ah! The man in the white shirt looked at my letters and my LSE ID card and asked me to explain what I

was after. Someone came in and brought tea. I wasn't sure if it was for me so I didn't touch it. I patiently explained my research, where I came from, and that I would like to request for permission to do research from the Deputy Mayor and also arrange an interview appointment. He repeated that the Deputy Mayor was too busy. I said I would be in Bangalore for a couple of months and that I could come down on any appointment date.

This man looked very closely at all my letters, read through it carefully, and also looked at the introduction letter from the LSE Geography Department. He spotted that the introduction letter was dated December 2009. I told him that this was made for the first phase of my fieldwork when there was neither a council nor Mayors to meet. He asked for my permanent address and the details of where I stayed. He said he would like to check with his officers if I was genuine because, he said, "a lot of things are happening".

I had not had any idea what he meant but I said, "Of course, I can understand", and gave him all my details. He asked me to call him the following day, and gave me a card and wrote his number on that. He took my letter and I thanked him. Someone gave me a note pad in which I was asked to write my house address. I wrote that down and left the place to meet the commissioner.

After taking a very short break to update my field notes,

The same day, I walked into the Commissioner's Private Secretary's room to see if I could arrange something at least there. I introduced myself and told all my stories again. I was asked to leave my letter with him and contact him two days later. These 'two days later' became more than a couple of weeks one after another and by that time the commissioner had changed,



and a new person had taken charge. However finally, when I met the new commissioner after a couple of weeks of waiting, he had put me in touch personally with a senior officer who helped me immensely during my research process.

After a number of 'Wednesday evenings', 'Thursday three o'clocks', 'Monday mornings' and so on, finally one day I got to meet the Deputy Mayor for a very quick chat which lasted no more than 3 minutes. This was after I became a usual face in the corridors of the Mayor's Office, when the man in the white shirt would recognize me and started saying "hello". He also started to offer me some Badam milk<sup>63</sup> to drink. Finally, one day he managed to get me a very brief meeting with the Deputy Mayor.

When I walked into the Deputy Mayor's Office, he was sitting at the head of his long table. He asked me in quite terse terms – "ok tell me". I told him about my research very quickly and wanted to take an appointment for interview. He agreed, but he said it would take some time, and asked me to come again the following week. I said thanks and left. This following week really didn't work for months together. However the repeated hanging around worked well and finally I got a good half an hour interview with the Deputy Mayor before I completed my fieldwork.

Dismayed... how things worked- one has to pass through a lot of filters before meeting someone in power or office through the proper channel. These private secretaries and men in white and blue shirts seem to be enjoying that filtering process. Any place you go to meet someone without a reference from someone they care about or someone of high importance, it is more likely that you will be asked to come or call them again in a couple of days or weeks' time.

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<sup>63</sup> Almond milk

In Bangalore, public officials were always transferred between different posts after a very short time, sometimes even within weeks or months of their appointment. Quite a number of times I came across a different person in an official post, so that I had to follow-up with the previous official who by then would be in a different role or even a different department. Notwithstanding the many experiences of the kind I narrated above, a number of public officials were very supportive and shared many documents and sensitive stories of their practice with me. This was achieved through establishing very close contact and participating in a variety of other activities including workshops and seminars.

Being a planner who has worked in both India and the United Kingdom has helped me to reflect comparatively on the different planning systems and practices during some conversations. For instance, I was invited by the planning department to present to them how the British planning system worked in practice during a small meeting convened at the Chief Town Planners Office to think about the future of master planning in Bangalore. On another occasion, discussions generated during the public presentation of the Bangalore Regional Plan enabled me to meet subsequently with some very senior officials.

During the many hours that I had to wait or hang around offices to meet some official, I came across and spoke to a number of others waiting there like me and these conversations also provided a number of insights about the practices of people and government.

As means of engagement, I used a mix of formal and open-ended interviews, formal and informal conversations and participant observation. A wide range of actors and spaces of data collection meant that my approach had to be improvised and changed continuously. The data set used in this research is comprised of opinions, descriptions of facts, narratives of practices and a history of cases, documents and reports. Upon completion of the fieldwork, I had 57 recorded interviews and more than 100 accounts in ethnographic notes, which included transcriptions of unrecorded interviews and conversations as

well as reflection and description of my own experiences. Policy documents, government reports, court case papers and various documents were obtained through Right to Information requests and other formal as well as informal means. Sometimes conversations involved interrogation and entering into debates if the conversation space permitted in order to reveal the deep ideological positions and opinion of the person with whom I spoke. For example, during a conversation on corruption, an activist got agitated when I interrogated him on whether he had ever paid a bribe. Through this interrogation it was revealed that the socially privileged position that this activist occupied enabled him to get through without paying a bribe.

Land is an instrument for laundering and hiding money in Bangalore, as well as a domain of history, identity and belonging. Together, these have made land-use planning a matter of power and control and contest. A wide variety of actors are hence deeply interested in gaining access to the means of control to protect their interests. A number of stories are very politically sensitive and potentially damaging to the people who shared them with me. So an assurance of secrecy was a minimum condition for many to talk to me. How people violate planning regulations was only the tip of the iceberg: the networks of practice, which included the practice of local engineers and higher-level officials, the government policies that promote illegalities, the courts' interpretations and judgments and local community activism constitute what I call *the field of this research*.

Fieldwork on illegalities, violations and vernacular governance has been a very tough process, with many access and data-use issues. I have been warned more than once by some activists and at least one official to keep away from some specific projects because, in the words of the activist, "you could find yourself dead on the street" (Interview with a Lead Activist and Local Resident: Koramangala Initiative, Koramangala, **Appendix 1**, no.1). At least on two occasions I informed my family and friends about the specific details and location of my meeting for safety reasons. I had to meet and interview people against whom there were repeated allegations and sometimes even legal

processes underway. Many had openly spoken to me about the details of bribe exchanges, including the amount and going rates and the identities of those involved. There were instances when an interviewee exposed to me their specific stakes in particular illegal projects. A lot of this information had to be triangulated by other sources before being considered factual to use in this dissertation.

Bangalore is also a terrain of political conflicts. I had conversations with many people who were very critical of each other's worldviews and perspectives on public policy. I witnessed people making allegations against each other in public meetings. The email groups that I studied closely often had very sharp debates and mutual critiques. So maintaining an open mind and willingness to listen to a wide range of opinions and positions as well as keeping the information to myself, and maintaining a fresh approach while talking to people were important requirements. Only through such a method could the social and political processes influencing planning and policy be studied using a relational framework in a complex democracy such as the one I encountered in Bangalore.

Bangalore is a cosmopolitan city with a population that speaks Tamil, English, Kannada, Hindi, Telugu and Malayalam. Most people were conversant in more than one language and this helped me to choose between languages during conversations. However, I am conversant in only four of these languages, so a paid research assistant named Manjunath helped me with two interviews in Kannada.<sup>64</sup> The help was in the form of translating each of my questions and the informant's response during the conversation. Manjunath was also given the task of obtaining some maps and documents from the government offices by filling in the right-to-information forms. In one instance, after I obtained the required clearances and inspected the file, he helped me to copy details from the land-use change record folder at the Bangalore Development Authority. Many of these tasks required repeated visits to government offices and waiting until the right person was available. Most government offices in Bangalore have

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<sup>64</sup> Mr Manjunath is a trained sociologist and has helped a number of researchers during fieldwork in Bangalore

daily visitors hours from 15:00 to 17:00, so chasing applications and documents with my assistant's help saved me some time in order to attend meetings. Moreover my assistant's tacit understanding of the local caste and class politics in Bangalore had also helped me to gain specific insights into many land related conflicts. For example, when he was copying the list of land-use change applications and their statuses at the Bangalore Development Authority, he informed me that many a celebrity and elite names had had their applications approved within a very short time compared to other applicants.

Analysis of the data, as mentioned above, was an iterative process. Conceptual approaches were developed by analytically engaging with the field material, which in turn identified the appropriate case studies for data collection and were subsequently refined at the research desk by engaging with theory. Given that the material that emerged from the fieldwork included opinions, factual statements, histories, documents, court case papers, laws and acts, methods and strategies, logic and rationalities of practice, practice narratives and so on, different material had to be approached differently. Moreover, insider information cannot be easily verified unless other material supports it. For example, the allegations of corruption about a particular actor or the precise nature of a practice of implementation or a historic occurrence that could not be verified through documents were approached with a high level of caution before being used analytically as evidence. Among such material only items that appeared frequently and in more than two places have been presented as evidence in this dissertation; those that appear as casual remarks have been omitted from the direct body of evidence. Similarly, only those specific practices that fit in with general practices have been relied upon during the analysis; these include, for example, specific practices of violating land-use regulations that subvert the procedures in a *court of law*, or the process of change of land use of a particular parcel of land in the Master Plan. Specific cases enabled me to recognize *known unknowns* as well as *unknown unknowns* such as how exactly an enforcement action is aborted or how precisely various groups support or oppose violations, or how exactly the networking for public or private interest outcomes is forged.

Given that my research process required me to look deeper into many complex practices in public governance, planning and social activism and since not all of these activities were entirely legal, ethical or official, the question of ethics cropped up time and again during the research process as well as during the writing of this dissertation. In the following section I will discuss these ethical issues, dilemmas and stance taken during the research and writing of this dissertation.

### **3.6 Research ethics**

The key questions on ethics revolve around confidentiality, privacy and consent, along with ethical implications of the methods used for accessing data (Baarts 2009; Baez 2002; Nilan 2002; Wiles 2006). For example, can one use the data that is obtained without the knowledge of the informant or can one pay the informers for information? These questions were very relevant in the case of this research. In my fieldwork, I decided not to pay money to my informants. There were a couple of occasions where I could have obtained much finer detail of local land politics if I were willing to pay and some of my informants demanded this explicitly. I decided to forego such details.

The very nature of participant observation requires the researcher to be in the field and every moment of that engagement means conducting fieldwork. All the observations that emerged out of that process are part of the data set used in this dissertation. The various conversations that I listened to at the group meetings, government offices, restaurants and cafes and one-to-one meetings have been incorporated into my field notes and some of which has found its way into this dissertation. However, extra caution has been taken to ensure confidentiality and privacy.

I took the position that researching the practices of government should be done only after informing the authorities concerned and obtaining the necessary permission. I personally requested permission from the Principal Secretary of Urban Development in Bangalore (under whom all the departments connected

with planning and urban development functioned), the Principal Secretary of Environment and Forests, the Commissioners of the BDA and the BBMP and the Police Commissioner.

My research question required me to examine and understand many practices that are not entirely ethical or legal. These included allegations of corruption and narratives about illegality. A large number of people shared with me opinions, inside stories of practice, stories of corruption, remarks about their colleagues, practices of government, allowed me into their meetings and enabled access to their email groups and so on, all of which needed a minimum assurance of anonymity. Therefore, my interviews were recorded using a digital recorder only with the permission of the interviewee and the recorder was never concealed. I always reminded my interviewees that they could ask me to switch off the recorder whenever they wanted during the conversations; many asked me to do so. Quite a number of people asked me not to record the discussion so I took down notes that were transcribed into longer essays about the conversation later. In many cases I did not even request a recording and instead took notes that were elaborated into a fuller body of the conversation later.

Every constituent of this research was informed of the research project before I requested interviews or entered into a detailed conversation. My identity as a researcher was made clear to all interviewees and to all group meetings that I attended. However, the dataset in this research also include notes from occasions when I was as a silent observer.

In order to reduce ethical and access problems, all of the specific cases I have chosen to examine in detail are ones that have been or were already in the public domain, that is, in the media and/or before a court of law. Since a number of conversations around the specific problems as well as practices of government, land markets, politics in master planning, implementation and neighbourhood activism required anonymity, direct quotes using real names have been avoided entirely. Many public officials asked me to keep the

conversation to myself and never to quote them. For instance, one senior officer finished our long conversation with these words: “you haven’t come here. I haven’t met you. We don’t know each other”. Similarly, another senior public official told me not to use the data from the conversation in any way that would jeopardize the various public interest activities in which s/he was involved. Many officials, activists and consultants have shared a lot of factual details and inside stories from the practices of planning, administration and activism in Bangalore that were to be used responsibly and not expose them to dangerous controversies.

Therefore, a lot of the conversations presented in this dissertation are paraphrased in my own words, or quoted using pseudonyms. Gender, age and position have been changed wherever required to do so while referring to specific interviews. Data from the field have been used in this dissertation with utmost respect to the complex activism in which many in Bangalore are involved.

Being a native researcher, the exotic voyeurism present in a lot of ethnographies that represent the *other* has been clearly avoided unless it was important to make an argument. Similarly, details of place names and events have been masked whenever required to do so. The list of interviews and meetings in **Appendix 1** contains only the professional position or general identity of the individuals involved. This research and the dissertation writing have been undertaken with a clear position that the purpose of this work is to answer the research question and *not to produce a piece of investigative journalism*.

### **3.7. Conclusion**

In this chapter I discussed how this research process was designed in order to answer the research question. This research process studied how various actors and processes are involved in the production, sustenance and contestation of violations through the process of plan making, implementation and enforcement. Koramangala, as a relatively wealthy neighbourhood located in



southeast Bangalore was selected as the geographic field of study in order to move beyond the dominant trend of producing knowledge by studying the urban poor as a social group. A wide range of violations in Koramangala by a variety of actors and their contestation by local citizen collectives made this a suitable case study location. Within Koramangala, I identified specific projects and neighbourhood activism for detailed analysis. However as a field, I moved beyond Koramangala in order to interconnect the locality with its wider geography. Further, along with the practice of production and contest of violations, planning policy and the planning process were also identified *as the field* to understand the various ways in which these are sustained. This enabled the extension of the problem of violations as an instance of how planning practice in Bangalore operate within the *culture of governance* in Bangalore. Such ethnography of planning and violation networks examined not only specific instances of violations but also neighbourhood activism, planning policy and planning process around the problem of violations. My prior knowledge of the planning system and public administration practice in India helped me immensely in order to comprehend in a short time the complicated planning system and practice in Bangalore.

Data in this research is derived from 108 one to-one interviews, a number of group meetings and discussions, participant observation, document analysis, verbal/written accounts of planning policy and practice, court case documents and judgments and right-to-information documents obtained from the government and from activists. A wide range of techniques were used to collect data, from participant observations and semi-structured interviews and conversations to document analysis. A broad variety of people were interviewed, including planners, planning consultants, bureaucrats, local activists, local residents, NGO activists, journalists, advocates, lawyers, politicians and administrators. My informants shared with me vital and sensitive information from their practice, most of which is used in this dissertation without revealing anyone's identity, thereby adhering to the chosen research ethics framework. Entirely legitimate means have been used while collecting the data, even though this research was mostly about illegal

practices and all interviewees were briefed about the research project prior to the interview. I accessed interviewees using a range of techniques that included snowball referencing and integrating into planning, activist and academic networks in the field.

In the following chapter, I outline the architecture of the planning system in Bangalore, including the planning act, procedures and protocols and the institutional architecture. In Chapter 5 and Chapter 6, I will present the actual practice of this institutional architecture when examined from the perspective of violations.

## Chapter 4

### The process architecture of land-use control in Bangalore

#### 4.1 Introduction. The land-use planning system or the planning apparatus of command and control in Bangalore

Officials as well as the general public frequently told me during my fieldwork that there is *no planning in Bangalore*. Further, many argued that the rapid growth triggered by the success of the IT industry took the already weak planning system *by surprise*. Umpteen violations, the precarious state of the public realm, sky rocketing land values, traffic problems, rapidly dwindling ecological resources, frequent flooding and so on were frequently ascribed to the lack of planning. However, a close examination of the planning system and process in Bangalore proves the contrary i.e. there is an elaborate planning apparatus in Bangalore to control the land use change. Therefore, engaging with this paradox, I sought to explain,

*'Why and how are land-use violations in non-poor neighbourhoods of Bangalore produced, sustained and contested despite the presence of the elaborate mechanisms for planning, implementation and enforcement?'*

Firstly this task involves presenting an appropriate description of the planning process that controls the land use change. This task is important in the structure of this dissertation to demonstrate my main argument that violations are the outcome of the planning practice rather than its deviation. The aim of this chapter therefore is to outline the mechanisms that currently exist in Bangalore for regulating, implementing and enforcing the land use change. In particular, I shall map the specific process architecture that enables the control of land use.<sup>65</sup> This will contextualize the discussion about the interactions

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<sup>65</sup> Refer to **Appendix 2** for a very brief discussion of the evolution of urban planning and governance institutions in Bangalore along with the city's trajectory of growth and transformation from a village hamlet through feudal, monarchical, colonial phases and post-independent phases to a significant economic node in the global geographies of current knowledge economy.

between violations and planning practice that follows in the subsequent chapters.

How do we appropriately describe the planning system in a way that moves beyond an isolated understanding of the Plan, the Policy, its administration or the decision making process? As discussed in Chapter 2, a conventional analysis that considers the state as a monolithic actor able to govern society assumes that a policy taken at the top translates down to implementation through the structures and process of administration. To move beyond such an approach and to enable an empirical analysis of the politics in planning practice, I propose to map the wide range of activities, institutional actors and procedures that actually form the planning system. Even though modern Town Planning is widely understood as an arm of the modern nation state (Yiftahel 1998, 2002), I argue that it is in identifying its specific process architecture that we can get closer to the understanding of how the normative expectation and the rationale are institutionalized and operationalized through the practice of everyday governance. Even though land use change is a visible outcome on the urban geography, its control as a state practice is enabled through the interconnected web of official and legal processes; i.e. through the administration of interactions of a wide range of actors, policies, laws and acts, procedures and processes, organization and instruments. I argue that documenting the chain of events that lead to the control of land use is the primary task to undertake while examining how land use change is controlled through the practice of planning in specific contexts. To map this specific interactive architecture of land use control, I draw from governmentality (Foucault 1986, 2000; Rose 1999) and the policy process approach (Lipsky 1980; Wildavsky 1973).

Even though land-use planning systems may vary in their form based on the administrative and governance contexts; the *ability to control* the land-use change is fundamental to the possibility of a regulatory planning practice in private property owning democracies. Planning for public interest is dependent on the ability to control the private interests on land, and develop a framework that would contribute towards the collective interests. The possibility of such a

practice is dependent on the very possibility of the operation of a legitimate *planning authority*.

A legitimate planning authority is constituted of planning rationality and administrative technologies of its governance operating through the democratic structures of the state. While plan-making establishes its rationale through prescribing acceptable and unacceptable land uses in the private and public land parcels in the city, implementation frameworks forms the processes that ensure compliance, and the enforcement frameworks ensure penalties for deviance. So, land-use planning processes work as a comprehensive instrument to control the urban geography as *governmental technologies* (Rose and Miller, 1992). Thus, planning is not only just a rationale (or ideology) of a good city form, but also an integrated practice deeply embedded within the political, bureaucratic, administrative, legal and juridical process of social control. Making, implementing and enforcing land-use regulations together forms one type of practice that Foucault calls *governmentality*, and represents the technologies for the *conduct of conduct* (Foucault 2000; Rose 1999). Administering land-use plans through the bureaucratic machinery to control urban local geographies is dependent on a political rationale, technologies of implementation, a sophisticated surveillance mechanism and the penalization of deviance.

Performance of norm-making using expert knowledge, implementation through procedures of administration, and enforcement through the means of surveillance supported by the juridical-legal mechanisms hence is fundamental to the establishment of a *planning authority*. It is through the smooth functioning of this apparatus that power is accrued and concentrated in the authority enabling it to govern. The rationale of controlling land-use changes for an *ordered development* is enabled through application of this legitimate authority bestowed upon the state through the democratic political process of elections and the administrative structures of the legislature, executive and judiciary.

While the zoning of land use depends on the technical and political rationale, the plan administration process is organization dependent (institutions and people with authority), documentation dependent (title deeds of property and so on), procedure dependent (the process of planning application), and surveillance dependent (to ensure deviations are identified and penalized). A wide range of institutions and organizations and actors are involved in this process. Standard procedures recorded in the practice manuals are followed. Regulatory planning is a bureaucratic practice with a specific rationale that is invoked to control land use change.

The main argument that structures the narrative in this chapter is that through analyzing this process architecture, it is clear that the construction of a *planning authority* rests upon a wide range of actors in diverse organizational settings supported by numerous acts and laws to enable the procedures of preparation, implementation and enforcement of planning instrument and process. Outcome of planning practice will depend on what happens during the operation of this apparatus.

The discussion is structured in three main sections: the first outlines the rationale, organizational structures and practitioners; the second examines the planning instrument and its prescriptions; and the third outlines the procedures and processes that convert this process architecture into a practice of everyday governance. The description of this architecture presented here will be a reference point for the rest of this dissertation wherein I analyze how this system is appropriated in everyday real governance through the lens of violations. Even though every attempt is made to summarize succinctly the main points that would successfully portray the elaborate process architecture of land use control, the sheer scale of the land use planning system (organizations, practitioners, process and procedures and laws) makes the discussion inevitably lengthy.

#### **4.2 Urban planning and the state in Karnataka: The Karnataka Town and Country Planning Act 1961.**

Urban land-use planning in Bangalore operates within the larger framework of urban planning in Karnataka State that owes itself to the system of modern urban planning practice instituted in India after Independence in 1947. Urban Planning is a regional state subject based on the Indian Constitutional division of rights and responsibilities between the Centre and the States. In accordance with the Government of India's second five-year plan (1956-1961), various regional state governments did legislate the Town and Country Planning Acts that gave them the authority and the statutory responsibility to intervene in the process of urbanization to bring about ordered growth. The Karnataka Town and Country Planning Act (KTCP Act) 1961 enabled and statutorily required the state government to declare urban areas and prepare Master Plans in order to direct and regulate urbanization within its jurisdiction.

The act argues that spatial planning should precede economic planning to enable a happier and healthier living environment. Therefore the aim of the act is to "provide for the regulation of planned growth of land use and development and for the making and execution of Town Planning schemes (TP scheme) in the State" (Puliani 2009, p.7). It intends to:

- 1) "To create conditions favorable for planning and re-planning of the urban and rural areas in the state of Karnataka, with a view to providing full civic and social amenities for the people in the state
- 2) To stop uncontrolled development of land due to land speculation and profiteering in land
- 3) To preserve and improve existing recreational facilities and other amenities contributing towards balanced use of land
- 4) To direct the future growth of populated areas in the state, with a view to ensuring desirable standards of environmental health and hygiene, and creating facilities for the orderly growth of industry and commerce, thereby promoting general standards of living in the state" (Ibid).

#### **4.3 Organizational structure and practitioners**

The Act therefore enabled the state government with powers to set up the State Town Planning Board and appoint a Director of Town Planning as its head, to declare various Local Planning Areas inside Karnataka and to appoint Local Planning Authorities to prepare development plans for Local Planning Areas. The act proposes that to ensure that the developments are well coordinated, the Local Planning Authority shall prepare an existing land-use plan and a

development plan (Master Plan) for the entire area within its jurisdiction and a Detailed Town Planning Schemes to aid the implementation of the Master Plan (Puliani 2009). Further, the state government is required to appoint a Member Secretary as Chief Executive and the Chief Technical Officer of the Local Planning Authority. S/he is not only responsible for carrying out the obligations of the KTCP Act but also the budgetary, planning, enforcement and supervisory functions of the Planning Authority as well as to submit annual reports and audited accounts to the government. In the paragraphs below, I show that the organizations are extensively staffed and legally instituted, and are well-structured in terms of operational responsibilities.

#### **4.3.1 The Bangalore Development Authority: - the Planning and Urban Development Authority**

Bangalore Development Authority is the Local Planning as well as a Development Authority for Bangalore.<sup>66</sup> The experience of the Delhi Master Plan in the 1950s and the establishment of the Delhi Development Authority (DDA) as a planning authority as well as a plan implementation authority in the form of a monopoly public sector property developer deeply influenced the development of planning and urban development system in post independent India.<sup>67</sup> Separate authorities that existed for the planning and the development of infrastructure, housing and industrial areas in Bangalore before the formation of the DDA were joined together in BDA based on the 1976 BDA Act. The Act states,

“At the conference of the Ministers for Housing and Urban Development held at Delhi in November 1971, it was agreed that a common Authority for the development of metropolitan cities should be set up. Bangalore City with its population (as per last census) is a Metropolitan City. Different Authorities like the City of Bangalore Municipal Corporation, the City Improvement Trust Board, the Karnataka Industrial Area Development Board, the Housing Board and the Bangalore City Planning Authority are exercising jurisdiction over the area. Some of the functions of these bodies like development, planning, etc., are overlapping creating

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<sup>66</sup> The BDA was the first urban development authority to be set up in Karnataka much earlier than the Karnataka Urban Development Authorities Act, adopted in 1987, which enabled the establishment of planning and development authorities for other cities.

<sup>67</sup> The DDA was constituted in Delhi to implement the first Master Plan of post-independent India and was prepared by the Ford Foundation team in 1956.



thereby avoidable confusion, besides hampering co-coordinated development. It is, therefore, considered necessary to set up a single authority like the *Delhi Development Authority* for the city areas adjacent to it, which in course of time will become part of the City” (Government of Karnataka 1975, added emphasis).

The BDA is a public sector developer corporation, functioning as a real estate provider, while simultaneously acting as a planning authority as well as a service provider. Along with preparing the Master Plan for the functional urban region (which is 1,306 square kilometres greater than the BBMP area of 749 square kilometres) the BDA also builds housing layouts, civic amenities, open spaces, parks, playgrounds and other forms of infrastructure on the land acquired using the Land Acquisition Act of 1894. Section 14 of the BDA Act 1976 states,

“The objects of the Authority shall be to promote and secure the development of the Bangalore Metropolitan Area and for that purpose the Authority shall have the power to [compulsorily] acquire, hold, manage and dispose of moveable and immovable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary or expedient for the purposes of such development and for purposes incidental thereto” (Government of Karnataka 1975, p.122).

The BDA is governed by a board appointed by the Government of Karnataka (GoK). It consists of a Chairman, Finance Member, Chief Engineer, Town Planning Member, the Commissioner of the BBMP, a member from the Urban Development Department of the GoK, two MLAs, representatives of the BWSSB, KEB, KSTRC, two BBMP councilors, and a couple of others representing different social groups. These board members normally hold office for three years. The BDA has many departments responsible for town planning, engineering, legal, finance, and land acquisition, accounts, forest, police and revenue.

The GoK appoints a *Commissioner* as the CEO of BDA from among the pool of senior civil servants for a period of three years. Similarly, a Secretary appointed by the GoK manages the internal administration and a Town Planning Member (TPM) acts as its Member Secretary and as the head of its planning functions. In

addition to the TPM, in BDA there are currently two Deputy Directors of planning who manage different zones and five Assistant Directors of planning in the BDA main office.<sup>68</sup>

According to the KTCP and BDA acts, the BDA is the Local Planning Authority for Bangalore. For example, section 61 of the BDA Act states that the BDA will be the LPA for Bangalore and Section 71 confers it the power to make building by-laws and urban design regulations as well as the powers to approve layouts and to regulate land and building use, quality of construction (from foundations to materials), structural stability, ventilation, etc.<sup>69</sup> Similarly, Section 32 of the BDA Act vests the BDA with the power to regulate all private layouts to be formed within its jurisdiction to ensure that they comply with the KTCP Act. Therefore, the BDA prepares the Master Plan for the 1,306 square kilometers of the delineated functional urban area and also regulates all major developments and land-use change within this boundary.

To implement the plan components, BDA also acts as an infrastructure and property developer. Therefore it has the powers to raise resources independently or through government funding. It can compulsorily acquire land using the Land Acquisition Act 1894 (on behalf of the BBMP). It can buy land from the open market or enter into various forms of leasing with private actors. The BDA is entrusted to build infrastructure such as housing, roads, drainage and sewage networks, parks and open spaces, civic amenities and commercial centres. They also make housing layouts by subdividing acquired land and later auctioning/allotting them as housing plots to residents of the city. The BDA proclaims that since its formation it has formed 62 housing layouts (with each layout being hundreds of acres in area) and distributed more

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<sup>68</sup> A senior planner during an interview mentioned that out of the eight planners only four are qualified planners and the rest were promoted to become planners. My interviewee mentioned that they had requested the hiring of a Joint Director, two more directors, a Deputy Director for Traffic, and one more Assistant Director of Planning.

<sup>69</sup> Sections 81-B, C and D of the KTCP Act inserted in 1976 to appoint the BDA as the Local Planning Authority for Bangalore Metropolitan Area.

than 200,000 housing plots to residents in Bangalore.<sup>70</sup> Being a public sector corporation operating with public funds, BDA housing plots are heavily subsidized and auctioned far below market rates. Hence these are in very high demand; the allocation process is politically very sensitive and is known to be affected by various forms of political patronage.<sup>71</sup>

The exact extent of BDA developed area in Bangalore is not available. However, assuming an average plot size of 240 square meters<sup>72</sup>, and that 50% of each layout is used for housing plots<sup>73</sup> (the rest for roads, civic amenities and parks and playgrounds), one can roughly estimate that about one hundred square kilometres (net) of Bangalore's housing is developed by the BDA alone.<sup>74</sup> If we include the amount of land area developed by the precursors to the BDA (the CITB),<sup>75</sup> a very large proportion of Bangalore housing and built infrastructure have been developed by these public sector development authorities by acquiring land from farmers and distributing it to the working and middle classes at much subsidised rates.

Every BDA housing layout is developed in accordance with urban design standards based on the *neighbourhood unit*, that became enshrined in the Indian planning system during the first two decades after independence through the involvement of a number of planning consultants from around the world (mainly the US and the UK) in key projects such as the Master Plans for Delhi, Calcutta, Bhubaneswar, Faridabad urban extension and the preparation of the planning standards by the Indian Town Planning Institute (ITPI) (Banerjee 1994; Sundaram 2010; Vidyarthi 2010).

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<sup>70</sup> (Source- [www.bdabangalore.org](http://www.bdabangalore.org)) Last accessed 10 September 2012. During an interview with me, one of the senior planners from the government used the figure of 500,000 instead of 200,000, as declared in the BDA website.

<sup>71</sup> Multiple conflicts, court cases and long delays caused by the land acquisition process made the BDA close to being broke in 1991 after which until 1999 they had not undertaken any housing development (source: multiple interviews).

<sup>72</sup> BDA housing plots are mainly of three sizes: 30X40 feet, 60X40 feet, and 80X 150 feet.

<sup>73</sup> According to the KTCP and BDA acts

<sup>74</sup> Accurate calculations are not available and it is beyond the scope of this thesis to make an accurate analysis. However, this shows that a large portion of Bangalore built infrastructure and habitation are publicly provided to middle and working class residents at a highly subsidized rate.

<sup>75</sup> See **Appendix 2**

Section 16 of the BDA Act specifies that every layout should reserve 15% of land area for parks and playgrounds and 10% for civic amenities such as schools, hospitals and community centres. The Act even specifies the activities that can be construed as *civic amenity*. Excluding approximately 20% of the total area that would go for roads and drains, a typical BDA layout then has only 55% of the total developed land as housing plots. A fully developed BDA layout includes spaces for neighbourhood-level commercial and office spaces (called BDA complexes) close to main transport infrastructure or commercial nodes. Such standards-based neighbourhood planning is very strictly enshrined in the BDA Act. For example, Section 38-A of the Act states, “the authority shall not have the power to dispose of sites reserved for parks, playgrounds and other civic amenities for any other purposes” (GoK 1975, p.137). To enable implementation, the authority can transfer land earmarked for civic amenities or otherwise to a range of beneficiaries such as government agencies, co-operative housing societies, charitable organizations and registered societies. Section 38-C further states that the authority has the power to *re-convey* (return) the lands acquired for development to the respective individuals or organizations from whom the land had been acquired on the grounds that if “it is not practicable to include such site for the purpose of the development scheme”, (GoK 1975, p.137) as long as it does not exceed the land ownership limit posed by the Urban Land Ceiling Act.<sup>76</sup>

The BDA obtains land through compulsory legal acquisition, prepares a development scheme, gets it approved by the state government, builds the scheme and its supporting infrastructure, auctions/allocates it to the applicants (who are residents of the city), maintains the infrastructure and levies service charges and taxes for maintenance until all the public infrastructure within the limits of the BBMP is transferred to the ownership of the BBMP. It can be seen that the planning and development responsibilities are extensive, very specific and highly prescribed in the respective acts. Further, as a body appointed

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<sup>76</sup> The Urban Land (Ceiling and Regulation) Act 1976 imposed ceilings on the individual ownership of land based on a range of categories. This act was abolished in 1999.

entirely by the GoK, it is one the powerful arms of the Karnataka State Government.

#### **4.3.2 Local government: The BBMP**

While the BDA has the privilege of preparing the Master plan for Bangalore and implementing the infrastructure through direct provision, the implementation of the Plan by regulating private developments is shared by the BDA and the BBMP. The BBMP is the elected local government of Bangalore. The Karnataka Municipal Corporations Act (KMC Act) of 1976 enabled the establishment of the Bangalore Mahanagara Palike (BMP, now the BBMP) with a Mayor, Deputy Mayor, Commissioner and the various standing committees to carry out their obligatory functions. BBMP councilors are elected for a term of five years. In the first meeting of a new council government, the councilors elect from among them a Mayor and a Deputy Mayor for a term of one year and this process is repeated every year.

Even though BBMP is the elected local government in its own right, it is the prerogative of the Government of Karnataka to determine the area, population, number of wards and number of councilors that form the city and its elected government. The *BBMP Corporation* is not only constituted by the elected councilors but also those members nominated by the GoK, who are “persons with special knowledge and experience in municipal administration or matters relating to health, town planning or education and social work” (Puliani 2008, p.76). Furthermore, it also includes the members of the Karnataka State Legislative Assembly (MLA) whose constituencies lie within the city and the members of “the council of state and state legislative council who are registered electors within the city” (ibid).<sup>77</sup>

Currently there are 18 standing committees in the BBMP: administration, health, accounts, forests, revenue, engineering, horticulture, education, legal affairs,

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<sup>77</sup> Section 7 of the KMC Act 1976 (Puliani 2008, p.76)

welfare, JnNURM,<sup>78</sup> estate, town planning, markets, land acquisition, advertisement, and animal husbandry.<sup>79</sup> Each standing committee is made up of seven councilors elected at the first meeting after the BBMP general elections, and is chaired by one of its members. The KMC Act also provides for the formation of a ward committee consisting of the councilors of the respective wards and “not more than five people having the knowledge and experience in municipal administration, nominated by the government” (Puliani, 2008).<sup>80</sup> They could be members from the various NGOs or community organizations working in the city. The standing committees and the ward committees follow the term of the corporation council. In consultation with the Mayor, the GoK, appoints the Commissioner of the *Corporation* for a term of two years as a salaried employee of the *Corporation*.<sup>81</sup> He/she is not a member of the *Corporation* and can be removed from office if the council resolves to do so with two-thirds of the majority.

Everyday governing of the city is vested with the *Corporation* through obligatory functions like health and sanitation, street lighting, trade regulation and licensing, management of crematoria, public schools, parks and playgrounds, regulation of slaughter houses, maintenance of ambulance services, vegetation, protection of the city from birds and animals, and monitoring of births and deaths. There are also discretionary functions like the establishment and maintenance of care homes and maternity wards, art galleries, affordable housing and shelters for the homeless, urban forestry, urban poverty alleviation, etc.<sup>82</sup>

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<sup>78</sup> Jawaharlal Nehru Urban Renewal Mission (JnNURM) is a Government of India-supported initiative started in 2005 to improve infrastructure in select cities and towns in India.

<sup>79</sup> [www.bbmp.gov.in](http://www.bbmp.gov.in) last accessed 30 August 2012.

<sup>80</sup> Karnataka Municipal Corporations Act, 1976, section 13-A (Puliani, 2008)

<sup>81</sup> Section 14, KMC Act, 1976 (Puliani, 2008).

<sup>82</sup> Even though the KMC Act stipulates a range of discretionary and obligatory functions, the Corporation does not perform all of these functions because, In Bangalore there are para-statal organizations for sanitation, sewage disposal and the provision of parks and playgrounds. Even though the 74th Amendment of the Indian Constitution proposed to greater autonomy to the urban local bodies as the third tier of self-governing democratic institutions, this amendment has not been fully implemented in Karnataka.

According to the KMC Act, the Mayor presides over every meeting of the *Corporation* and directs the Commissioner to implement its resolutions. The Commissioner is the head of all the administrative departments, such as those of health, revenue, engineering and town planning. The power to execute the daily functioning of the *Corporation* lies with the Commissioner; however he/she is obliged to inform and work in concert with the standing committees that manage specific sectors. For example, the Town Planning standing committee presides over matters of town planning.<sup>83</sup> Even though the commissioner can attend the meetings of the corporation and the standing committees, s/he does not have the right to put forward any resolution or to vote. The Commissioner as a GoK appointee in the Corporation is responsible for submitting an annual report to the GoK on the functioning of the *Corporation*.

All the senior administrative and technical officers of the *Corporation*, including the Deputy and Additional Commissioners, Engineer-in-Chief, Town Planning Director and so on are appointed by the GoK from its civil service and technical pools respectively. For example, many engineers working in the BBMP are posted for a short time from the Public Works Department (PWD), the town planners are posted from the Karnataka Town Planning Directorate and the revenue officer is deputed from the Department of Revenue. BBMP postings are usually a short sojourn in their career because they are frequently transferred from one location to another within Karnataka. Moreover, under the KMC Act, the GoK can overrule the decisions of the *Corporation* to ensure the implementation of the provisions of the act. For example, the GoK can even dissolve the *Corporation* and appoint an administrator, if the *Corporation* is found “not competent to perform or makes [any] default in the performance of any of the duties imposed on it under this act”.<sup>84</sup> The GoK sits above the *Corporation* as its big brother. In other words, the local government of Bangalore can be seen as constituted by the KMC Act as a *subject* of the Government of Karnataka.

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<sup>83</sup> Section 61-A states that it “shall deal with all matters relating to town planning and improvement” (Puliani, 2008)

<sup>84</sup> Section 94, 95, 96, 97, 98 of the KMC Act 1976 (Puliani 2008)

### **4.3.3. Other para-statal organizations**

Activities of many para-statal organizations are interconnected in the process of land use plan administration directly or indirectly. For example, the Bangalore Metropolitan Transport Corporation (BMTC) plans, manages and runs intra-city public transport routes, the Traffic Police administers the rules and directions of road traffic, and the Karnataka Road Transport Corporation (KSRTC) plans, manages and runs various transport routes including the intra-state transport network, all of which has direct or indirect influence in the land-use changes in the City.

A new metro railway was planned and developed in Bangalore by the Bangalore Metro Rail Corporation (BMRC). The Bangalore Metropolitan Transport Authority (BMLTA) was set up in 2008 to co-ordinate between various agencies and to develop a comprehensive transportation strategy. Similarly, the Bangalore Water Supply and Sewerage Board (BWSSB) plans, manages and provide water supply infrastructure and the Bangalore Electricity Supply Company (BESCOM) provides electricity for the city. For infrastructure, the Karnataka Slum Clearance Board (KSCB) provides affordable housing and services for slums, the Karnataka Housing Board (KHB) acquires land and plans and builds housing layouts similar to the BDA in different areas in the city. The Bangalore International Airport Area Planning Authority (BIAPA) now regulates the planning activities of the International Airport Area after the airport and surrounding areas were developed through a massive land acquisition program by a special agency. The Karnataka Urban Infrastructure Finance Corporation (KUDIFC) and the Karnataka Industrial Areas Development Authority (KIADB) develop large-scale infrastructure such as industrial and information technology corridors. An example of the latter is the new Bangalore Mysore Infrastructure Corridor (BMIC) which cuts across the Bangalore Metropolitan Area and is being developed under a special authority that will manage its affairs with its own laws and development regulations. However, none of these



organizations have had any direct influence in the land use plan-making process or in identifying the priorities of the Master Plan.<sup>85</sup>

Constituting a Special Purpose Vehicle (SPV) is a very Karnataka way of administering specific planning tasks.<sup>86</sup> For example, after a report from a government-appointed committee (Ramaswamy 2006) revealed the scale of encroachment onto public lands in Bangalore, the government instituted a Public Lands Corporation and a Task Force under the Revenue Department to reclaim the encroached lands. Similarly, after a report by another government-appointed committee to examine the state of the lakes in Bangalore (Rau 1981), the Lake Development Authority was established in 2002<sup>87</sup> as “an autonomous regulatory, planning and policy body for protection, conservation reclamation, restoration, regeneration and integrated development of lakes in Karnataka”.<sup>88</sup> Most of these organizations are run without any direct contact with the Master Plan making or plan administration process. For example, based on the Indo-Norwegian Environment Programme (INEP) and a National Lake Conservation Programme (NLCP), the Lake Development Authority initiated a number of projects on lakes in Bangalore between 2002 and 2010. It also started a pilot programme to lease some of the lakes in Bangalore to private bidders for protection, management and revenue generation, a programme that attracted much public dissatisfaction and was later withdrawn after the High Court of Karnataka declared the practice illegal (ESG 2008). In a conversation with the head of one of these organizations, I was surprised to note that s/he did not understand that the Master Plan is a legally binding Government Order from which s/he could draw legal powers. S/he thought that it was just a document with many colourful maps with no legal remit.

Further, due to the presence of a large number of organizations in the city that engage with a range of planning related activities, in order to make the land use

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<sup>85</sup> The BMLTA for example developed a pedestrian policy and parking policy in 2012.

<sup>86</sup> Mainly post-liberalisation and the spread of Public Private Partnerships

<sup>87</sup> It was registered as a society under the Karnataka Societies Registration Act 1959 but with no legal authority until 2010.

<sup>88</sup> Until the time of fieldwork. See <http://www.karunadu.gov.in/lda/>

plan administration process more efficient, the Government of Karnataka established a supra-authority named the Bangalore Metropolitan Development Authority (BMRDA) in 1986.

#### **4.3.4. Bangalore Metropolitan Regional Development Authority**

The BMRDA was established in 1986 under the auspices of the BMRDA Act 1985 to “provide for the establishment of planning, coordinating and supervising the proper and orderly development of the area within the Bangalore Metropolitan Region” (GoK 1985; Puliani 2009). The area of development was about 8,000 square kilometres, significantly larger than the Bangalore Metropolitan Area of 1,306 square kilometres.

The BMRDA is composed of members that make this *the central authority* of all authorities within the planning scene in Bangalore. The Chief Minister of Karnataka (the most powerful executive and legislator of the state) acts as its Chairman and the Urban Development Minister acts as its Vice-Chairman. The Mayor of the BBMP is a member along with the Chief Secretary to the GoK (the most powerful bureaucrat) and the secretaries of finance, commerce and industry, housing, urban development and public works. Four Members of the Legislative Assembly (MLA) elected from the various constituencies within the Bangalore Metropolitan Region are also members along with the chairpersons of the BWSSB, BDA, KHB, KSCB, KEC, KSRTC and BUAC. The Divisional Commissioner (Bangalore revenue division), Director of Town Planning GoK, Chief Conservator of Forests GoK, Divisional Railway Manager (Southern Railway Bangalore division) and the General Manager of Bangalore Telephones are also members. On its own discretion, the government can also appoint four members from various elected local authorities within the Bangalore Metropolitan Region but outside the BBMP, and four members representing labour, scheduled castes, women and scheduled tribes. Similar to the BDA Commissioner, a Metropolitan Commissioner appointed by the GoK acts as the Member-Secretary and manages the day-to-day functioning of the authority.<sup>89</sup>

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<sup>89</sup> The functioning of the authority is managed by an executive committee comprising of the Urban Development Minister as Chairman, Metropolitan Commissioner as Vice Chairman, Mayor and

Even though all the members are appointed for a period of three years, the GoK could reappoint them and employing any senior official to the BMRDA requires the approval of the state government.<sup>90</sup> The BMRDA has a Law Officer, Town Planning Director and Accounts Officer appointed from various departments in the GoK. However, unlike the BDA, the BMRDA does not build housing layouts and infrastructure. It is mainly a Regional Planning Authority, sanctioned to carry out surveys, develop structure plans, coordinate activities, execute projects and assist the local planning authorities within the BMRDA jurisdiction to implement their Detailed Town Planning Schemes and infrastructure projects.

The act stipulates that “except with the previous permission of the Authority, no authority or person shall undertake any development” within the BMRDA jurisdiction (Section 10.1, Puliani 2009, p.340). The BMRDA can overrule decisions issued by the BDA to other organizations. The Commissioner “shall be entitled to attend and take part in the meetings of BBMP, BDA, BWSSB, KSRTC, KEC”, but will have no rights to vote (Section 19, GoK 1985; Puliani 2009, p.343). Further, the act stipulates that the Master Plan of Bangalore prepared by the BDA should be submitted to the GoK through the BMRDA instead of via the Director of Town Planning. Currently, 11 LPAs function under the BMRDA including the BDA.<sup>91</sup>

These large numbers of organizations working on separate mandates are coordinated through a top-down administrative process to deliver planning and

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Commissioner of the BBMP, Commissioner and Chairman of the BDA, Secretary of Finance, PWD, Housing and Urban Development, Chairman of BWSSB, Divisional Commissioner (Revenue) and the Director of Town Planning.

<sup>90</sup> The act states that any appointment that exceeds a salary of INR 1,500/month (approx. USD 30 per month)

<sup>91</sup> The first Structure Plan of the BMR was led by a United Kingdom-based consultancy named GHK (as part of an Asian Development Bank-funded Karnataka Urban Infrastructure Improvement Project). This plan was submitted to the government in 1999. A draft was released in 1995 (Heitzman 2004) and received approval in 2005. According to my interviewees who worked as consultants, the first structure plan emphasized institutional reform and enhance the coordination along with emphasis on spatial planning (Interview- planner consultant for the Structure Plan). Preparation of the second structure plan is underway and is led by the French consulting group SCE who prepared the RMP 2005-2015.

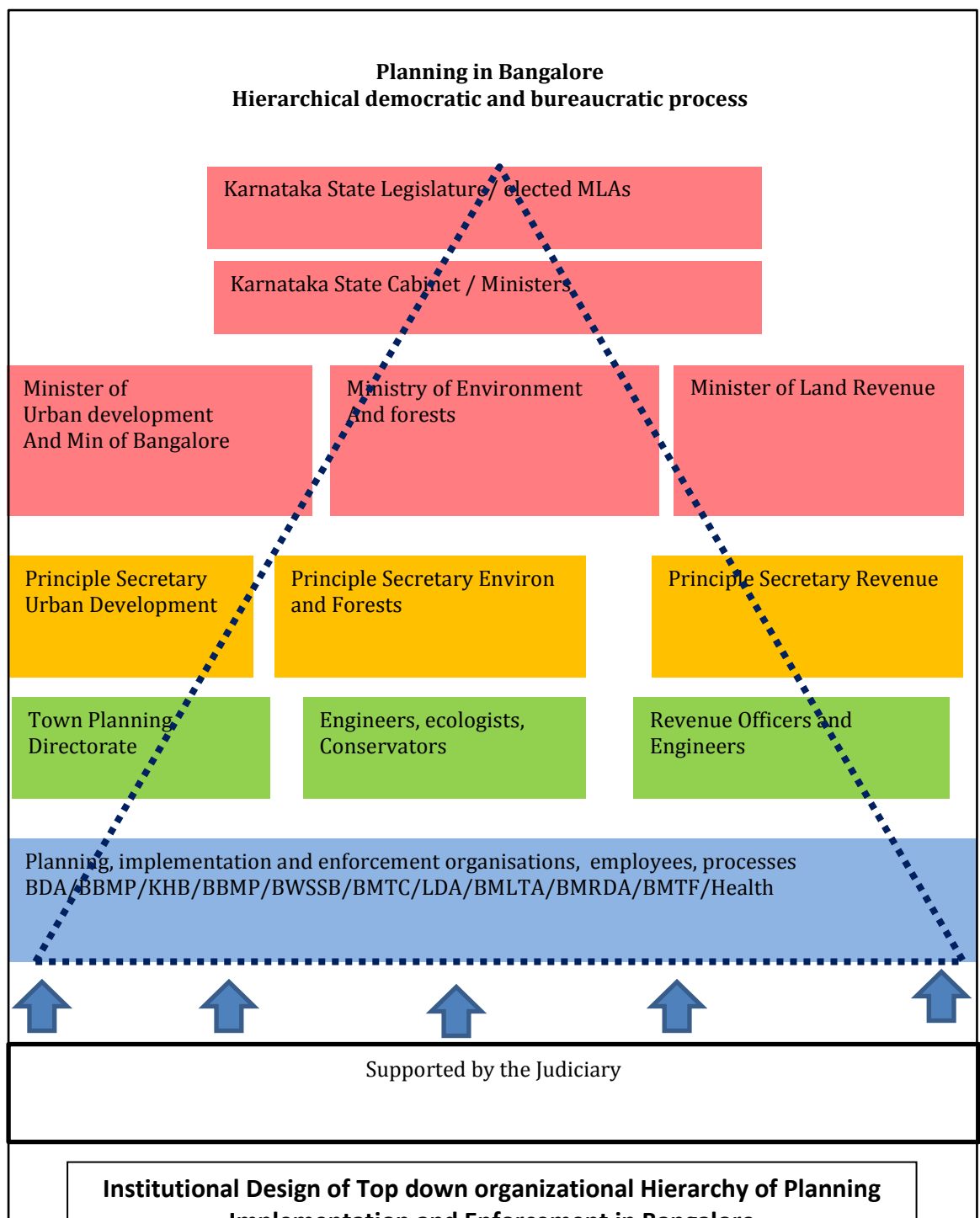
services. In the section below I very briefly outline this organizational structure and its interconnectedness.

#### **4.3.5. Structure of administration and governance**

Coordinating the activities of these numerous organizations is facilitated by a conjoined administrative structure at the top of the administrative bureaucracy. For example, the Commissioners of the BBMP, BDA, BMRDA, BWSSB, KUDIFC, BMTC, and BMLTA report to the Principal Secretary to the GoK Ministry of Urban Development. Similarly, the Commissioner of BESCO reports to the Principal Secretary to the GoK Ministry for Electricity, the CEO of the Lake Development Authority reports to the Principal Secretary of Environment and Forests, the KIADB works under the Principal Secretary of Commerce and Industry, the KSRTC works under the Ministry of Transport and Revenue Commissioners, and the Director of the Public Lands Corporation and the Task Force report to the Principal Secretary for Revenue. All Principal Secretaries work under the Chief Secretary of GoK, the most powerful civil servant in the State of Karnataka. While technical officers such as planners and engineers are appointed from the respective technical verticals within the GoK (e.g. Directorate of Planning or Public Works Department), the technocracy reports to the bureaucracy, and the bureaucracy reports to the cabinet and legislature, thus enabling a structure of top-down public administration under democratic governance.

Co-ordination between the various organizations during a Master Plan preparation process for example, means coordination at the level of the higher level bureaucrats who are supposed to be well trained and highly capable of administering the wide range of complex tasks. The selection of personnel to the Indian Administrative Services (IAS) takes place through an extremely competitive selection process. Many times the discourse of *weak capacity* at the intermediate and bottom levels of public organizations (which leads to, for example, outsourcing the making of the master or structure plans) is reciprocated with the belief in *strong capacity* at the top level of the bureaucracy. For example, when I asked a consultant who worked on the BMRDA structure

plan - the plan that aimed to coordinate all plans and organizations - about how they coordinated between the various agencies while preparing the structure plans to identify priorities, my interviewee replied that “the project interactions were happening at the urban development department levels” (Interview, Planning consultant, Date: 01-06-2009), i.e. at the level of secretaries and principal secretaries.



Yet, one of the senior advisors who had worked closely with the government for many years told me that in her experience the capacity problem is more acute at the very top than at the intermediate level or at the bottom. She said,

“The civil servant is a generalist – take for example the CEO of BMTC. She will not be able to get a job in any other metro company in the world. S/he knows nothing about metro or about transportation. Before coming to transport management s/he was a rural development secretary or something. There is a real lack of expertise right at the top” (interview with Senior Advisor to government on urban affairs, GoK; see **Appendix 1**, no.117).

#### **4.4 The instrument: Comprehensive Master Plan**

This institutional structure is deployed in Bangalore to prepare, implement and enforce a Master Plan that outlines the pattern of development and transformation. A Comprehensive Development Plan therefore controls the logic of land use transformation in Bangalore.<sup>92</sup> According to the KTCP Act, every Planning Authority within two years of their constitution shall prepare and publish an existing land-use map of their jurisdiction and a proposed Master Plan (or Development Plan). This is to be submitted for approval to the GoK through the Director of State Town Planning (in the case of Bangalore, through the BMRDA). The act prescribes that a copy of the Master Plan “shall be kept open for inspection by the public at the head office of the planning authority” (section 9.4, KTCP Act in Puliani 2009). Moreover, the authority shall declare its intent to prepare a Master Plan publicly in the official state gazette and at least in one newspaper and invite suggestions from the general public (Section 10, KTCP Act in Puliani 2009). The Planning Authority is obliged to consider all suggestions from the public and make any modification that it thinks is appropriate before sending the Master Plan to the state government for approval.

According to the KTCP Act, a Master Plan should include:

1. “Zoning of land use for residential, commercial, industrial agricultural, recreational and other purposes together with zoning regulations
2. A complete street pattern indicating major and minor roads, national highways and state highways and traffic circulation pattern for

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<sup>92</sup> Master Plans for Indian cities are prepared using the logic of Comprehensive Planning. In fact, the plan document for most cities in India is known as a Comprehensive Development Plan or CDP

meeting immediate and future requirements with proposals for improvements

3. Areas reserved for parks, playgrounds and other recreational uses, public open spaces, public buildings and institutions and area reserved for such purposes as may be expedient for new civic developments

4. Areas earmarked for future development and expansion

5. Reservation of land for the purpose of central government, the state government, planning authority or public utility undertaking or any other authority established by law, and the designation of lands being subject to acquisition for public purpose or as specified in Master Plan or securing the use of the land

6. Declaring certain areas as areas of special control and development in such areas being subject to such regulations as may be made in regard to building line, height of the building, floor area ration, architectural features and such other particulars as may be prescribed

7. Stages by which the plan is to be carried out” (Section 12, KTCP Act in Puliani, 2009, p.24)

#### **4.4.1. BDA and Master planning**

In 1984, the BDA developed its first Comprehensive Development Plan (CDP) for Bangalore, known as CDP1985-2001. Based on the Section 25 of the KTCP Act this Plan had to be revised once in every 10 years. This plan mainly consisted of a land-use zoning for the Bangalore functional urban region and a set of building regulations. The 1984 CDP was very simple and basic.<sup>93</sup> It officially established zones like the *greenbelt*, *central area*, *intensely developed area* and *other areas*. This was revised in 1995. Even though the 1995 CDP continued the tradition of comprehensive planning, it was more detailed in its ambition and prescriptions. Introducing the rationale behind regulating the use of land through zoning, the 1995 CDP states:

“In order to promote public health, safety and the general social welfare of the community, it is necessary to apply reasonable limitation on the use of land and buildings. This is to ensure that the most appropriate economical and healthy development of the city takes place in accordance with the land use plan. For this purpose, the City is divided into a number of use Zones, such as residential, commercial, industrial, public and semi-public, etc. Each Zone has its own regulations, as the same set of regulations cannot be applied to the entire town/city. Zoning protects residential area [sic] from the harmful invasions of commercial and industrial uses and at the same time promotes the orderly development of industrial and commercial areas. By regulating the

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<sup>93</sup> During my fieldwork, I was initially told that the BDA does not have a copy of this CDP. However, upon deeper search into their archives and with a BDA officer, I found a badly tattered copy.

spacing of buildings, adequate light, air, protection from fire etc., can be provided. It prevents overcrowding in buildings and land and thus ensures adequate facilities and services. *Zoning is not retrospective*. It does not prohibit the uses of land and buildings that are *lawfully* established prior to the coming into effect of the zoning regulations. If these uses are contrary to the newly proposed uses, they are termed as non-conforming uses and [are] gradually eliminated over years [sic] without inflicting unreasonable hardship upon the property owners. The zoning regulations and the enforcement are major tools in keeping the land uses pattern of the master plan". (BDA 1995, added emphasis)

Both these Master Plans presented a detailed land-use zoning map for the whole of the metropolitan area earmarking all land parcels in the city for the specific uses that are permissible. Refusing or approving any individual planning application is to be based on the land-use map. The 1995 CDP classified land-uses into:

1. Residential
2. Commercial (retail and wholesale)
3. Industrial (manufacturing, service, medium size, heavy)
4. Public and semi-public
5. Utilities and services
6. Parks and open spaces and playgrounds (including public recreational areas)
7. Transportation and communication
8. Agricultural land, water bodies and wetlands (/greenbelt)

In addition to use-based zoning, both the CDPs categorized the city into three *areas* according to the proposed development intensity. These categories are *intensely developed area*, *moderately developed area* and *sparsely developed area* (BDA 1985, 1995). A detailed list of uses that are permissible within each zone is stipulated by the zoning regulations. For example, a residential area can have places for workshops, hostels, public libraries, clubs, milk booths, neighbourhood convenience shops, medical clinic, a professional's own office, etc., not exceeding 20 SQ.M. It further mentions certain uses that can be permitted under special circumstances by the BDA, such as golf clubs, banks and nursing homes. Similarly, an agricultural land could be developed for a range of other uses; for



example farmhouses not exceeding 200 SQ.M of plinth area for 1.2 hectares of land under *normal* circumstances. An agricultural zone could also have other stipulated uses such as hospitals and residential buildings not exceeding two floors within areas reserved for the natural expansion of villages.

The regulations also prescribe a maximum floor area ratio (FAR), maximum ground coverage, the number of floors and minimum statutory offsets from the plot boundary, which are not only based on land-use zones, but also on intensity zoning. Given that the Bangalore Metropolitan Area is larger than the BBMP (formerly BMP), the CDP also specifies “regulations for rural development” for the villages that fall within its boundary. Accordingly it states, “Within 100m from the existing *Gramathana*<sup>94</sup>, residential developments and other uses at the discretion of the Authority may be permitted” (BDA 1995, p.20, emphasis added).

Further, it stipulates the minimum conditions to be followed in the case of privately-developed group housing layouts according to their type (detached, semi-detached, row housing or homestead). For example, every housing plot subdivisions or villas development should have a minimum boundary road width of twelve metres. It should reserve 10% of the total land area for civic amenities and 15% for parks and playgrounds. Ownership of roads, land for civic amenities and parks and playgrounds should be *handed over free of cost* to the BDA through title deed registration after its development. Roads less than 100 metres in length should be at least six metres wide, those up to 200 metres should be nine metres wide and those more than 200 metres should be at least 12 metres wide. The plot subdivision regulations state that “the purpose of these regulations is to guide the development of new areas in accordance with the land-use plan. As long as this is done on sound planning principles with adequate space standards the future of the city is assured”. (BDA 1995, p.26)

Such a standards-based approach prescribes a wide range of details maximum height near airport zones, specific number of parking spaces required based on the use and floor area, offsets according to building heights, building heights

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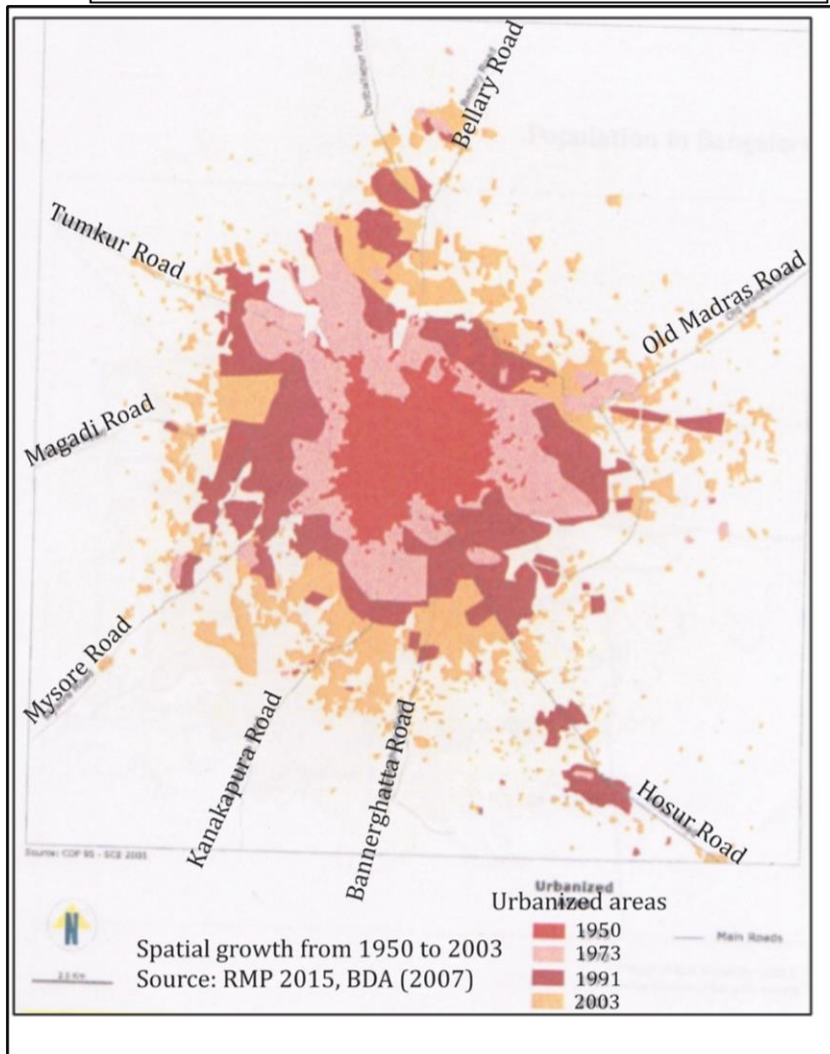
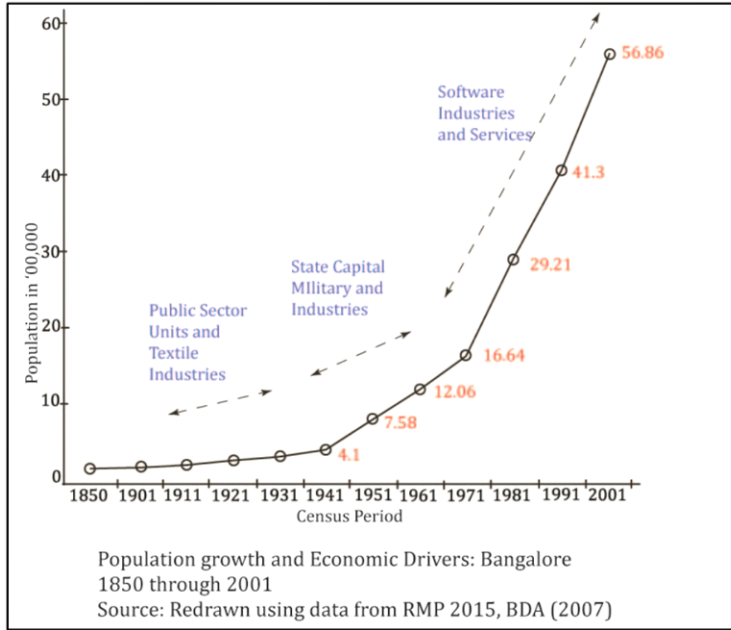
<sup>94</sup> Gramathana means Village land

according to road widths, floor heights, balconies, gradation of ramps. The Master Plan even prescribes that every building should respect a building line that is offset from the plot boundary for more than 134 specific roads in the city.

Any development intending to develop the land differently to the prescribed land-use (for example, to develop land earmarked for residential use in the Master Plan into a commercial building) should apply for and receive specific permission from the BDA for *change of land use* based on the section 14-A of the KTCP Act. Further, if the land is earmarked as an agricultural zone in the Master Plan, then those land parcels should first apply for a *conversion of land use* from the Department of Revenue before applying for a layout approval from the BDA. Both these procedures are discussed in detail later in this chapter in 4.5.2.

The 1995 Master Plan was revised in 2005, the draft of which took another two years to be compiled and was finally released in 2007 as the Revised Master Plan (RMP 2005-2015) for an area of 1,306 square kilometres. The RMP 2005-2015 is the current land-use plan that is in force in Bangalore and regulates all developments in the Bangalore Metropolitan Area until it is updated in 2015. By 2005, Bangalore had changed immensely from a pensioners' paradise, a working-class city, an education city and an administrative capital into one of the economic engines and fastest growing, globally connected, ambitious metropolitan regions in India. The involvement of many ambitious *glocal* elites in the city's governance, the development of GIS among the various networks in the city governance and the widespread disbelief in the capacity of the BDA to comprehend and plan for Bangalore became central aspects in the process and the character of the current Master Plan.

**Map 2**



The process, rationale and the content of the Revised Master Plan 2005-2015 reflects the belief in scientific, rational, comprehensive planning among the group who facilitated this process. While all the previous master plans were prepared *in house* by the BDA, the current plan was prepared by a French consortium comprised of APUR, IAURI, Université de Sorbonne, and Group Huit<sup>95</sup> (multiple interviews with government planners and planning consultants; and Raiborde 2007)<sup>96</sup> working through the office of Group SCE India Private Limited supported by a French grant to the GoK. The French grant supported involvement of French consultants in Bangalore and started in 1998-99 to document the water distribution infrastructure aimed to aid the privatization of water with the help of French companies such as Vivendi and NIL (Heitzman 2004; multiple interviews with government planners, planning advisors and planning consultants). Further, based on the second phase of financial and technical support, from June 2003 until January 2004 extensive land-use and institutional surveys were conducted using advanced GIS technology and satellite maps with ground support to prepare a spatial data infrastructure.

This was one of the most ambitious technical exercises that had been carried out in the sixty-year planning history of Bangalore. One of the technical heads of the team, in an article to a GIS portal, stated that the MP Process brought together 110 experts “consisting of town planners, architects, economists, demographers, sociologists, GIS & IT specialists, geographers, cartographers, infrastructure and transport specialists” (Raiborde 2007) to create the *Metropolitan Spatial Data Infrastructure* (MSDI) that provided the information base for RMP 2015. This final MSDI layer consisted of about 80 information layers generated by the data collected from over thirty administrative organizations in Bangalore as well as surveys from many ground control points

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<sup>95</sup> APUR (Atelier Parisien d’Urbanisme- the City Government of Paris), IUARIF- Institute d’Aménagement et d’Urbanisme de la Région d’Ile-de-France - Institut for urban planning and development of the Paris Ile-de-France Region), Group Huit is an 8 member team organization who work as consultants for urban development and is part of larger consulting named Group SCE. (see [www.creocean.fr/.../fich480102b6df1c1-Company\\_Profile\\_BD.pdf](http://www.creocean.fr/.../fich480102b6df1c1-Company_Profile_BD.pdf) last accessed 22-10-2012)

<sup>96</sup> Date unavailable -source – Vivian Raiborde systems manager group SCE india private limited, Metropolitan Spatial Data Infrastructure Empowering Government Authorities Through Modern Spatial Tools and Techniques published in [http://www.gisdevelopment.net/application/urban/overview/ma06\\_83.htm](http://www.gisdevelopment.net/application/urban/overview/ma06_83.htm) last accessed 22-10-2012

(multiple interviews with government planners and planning consultants; Raiborde 2007). Subsequently, the process that cost 23 crore INR produced an updated and sophisticated data infrastructure, a vision document for a globalizing metropolis and a land-use plan that was supposed to enable that ambition.<sup>97</sup> After six months of extensive documentation and 18 months of plan preparation, a Draft Master Plan was submitted to the government in June 2005, and it was finally approved in April 2007 after two years. <sup>98</sup>

This RMP 2005-2015 is a very large document compared to the previous Master Plans; for example, separate documents outline the vision, zoning regulations and details of every planning district. While the previous two master plans were concerned about *containing* the spread of urbanization within the greenbelt, the vision document of the RMP explicitly states that it is a Master Plan with a view to developing the city into an international metropolis (BDA 2007, Vision Document, p.2). It argues that the previous Master Plans were ineffective, stating that urbanization in Bangalore “is directed by opportunities and land availability; there is neither planning nor even a large framework” (ibid, p.1). In contrast, the RMP 2005-2015 claims that it is more participatory, founded on principles of collaboration and consensus building and involved various stakeholders in the decision-making process;

“The planning methodology attempts to ensure that neighbourhoods, the city and the region accommodate growth in ways that are economically sound, environmentally responsible and socially supportive of community livability, now and in the future...It identifies development patterns, infrastructure gaps and deficiencies, project and reform priorities and an implementation schedule that would be both fiscally realistic and innovative” (ibid, p.2).

To achieve this purpose, the RMP claims that its main objective is sustainable development achieved by the integration of spatial, economic, social, and ecological and transportation planning. Despite such claims, the RMP 2005-15 does not incorporate a process-oriented approach or any other type of

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<sup>97</sup> 23 Crore INR =Approximately 43M USD

<sup>98</sup>A series of later events (omitted from the discussions in this dissertation due to privacy concerns) that occurred in the space of governing in Bangalore culminated in the appointment of these consultants to prepare the Master Plan.

instrument; it is simply a more sophisticated version of *comprehensive planning* produced with the help of detailed GIS database. However, the RMP-2005-2015 adopted a flexible approach towards land-use zoning which it defined as *mixed land use*. Therefore the main land-use zones have more shades and the Plan has introduced some new categories. The land-use categories are

1. Residential (main and mixed),
2. Commercial (central, business),
3. Mutation corridors (along the main roads),
4. Commercial axes (roads along which there are already commercial),
5. Industrial (general and hi-tech),
6. Public and Semi-Public,
7. Traffic and Transportation,
8. Public Utilities,
9. Parks and Open Space,
10. Agricultural, and
11. Unclassified (for example, defence lands, notified land for acquisition, slums).<sup>99</sup>

Like the previous master plans, the RMP proposes density standards, ground coverage, number of floors, offsets, parking standards, plot subdivision regulations, etc. for buildings and for private layouts within each land-use category.

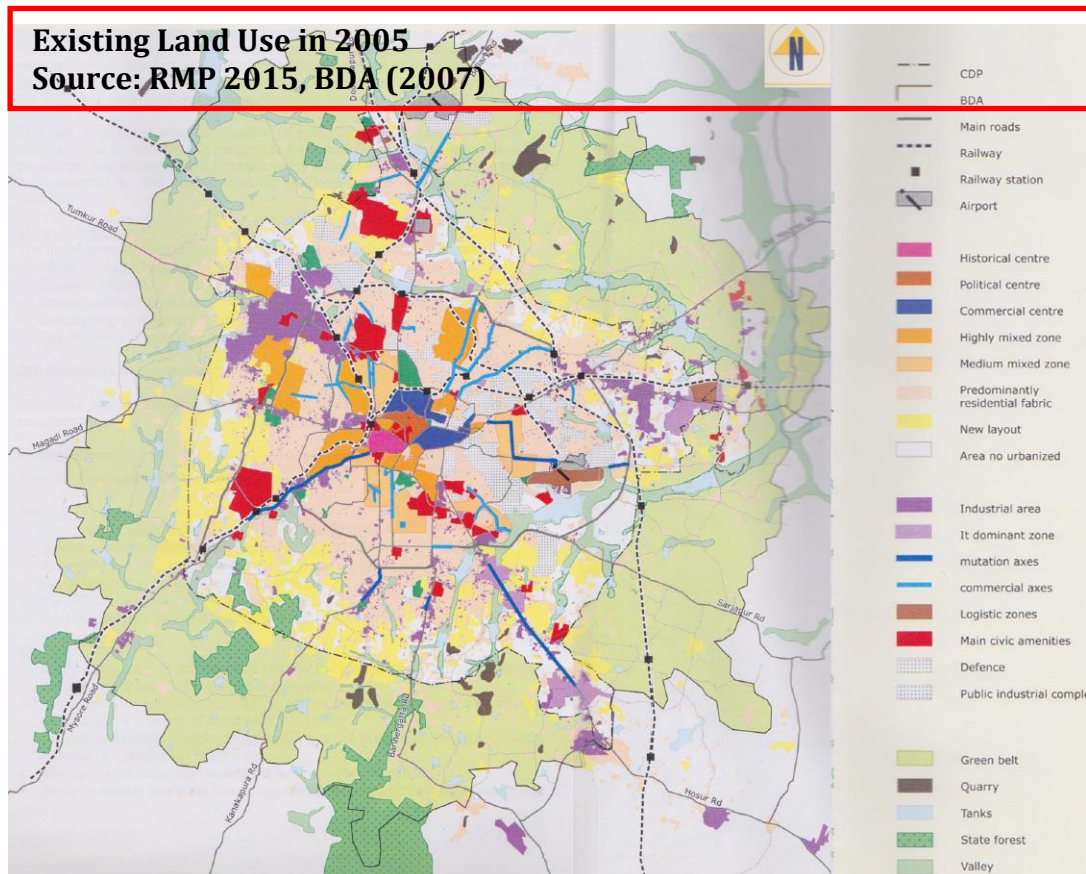
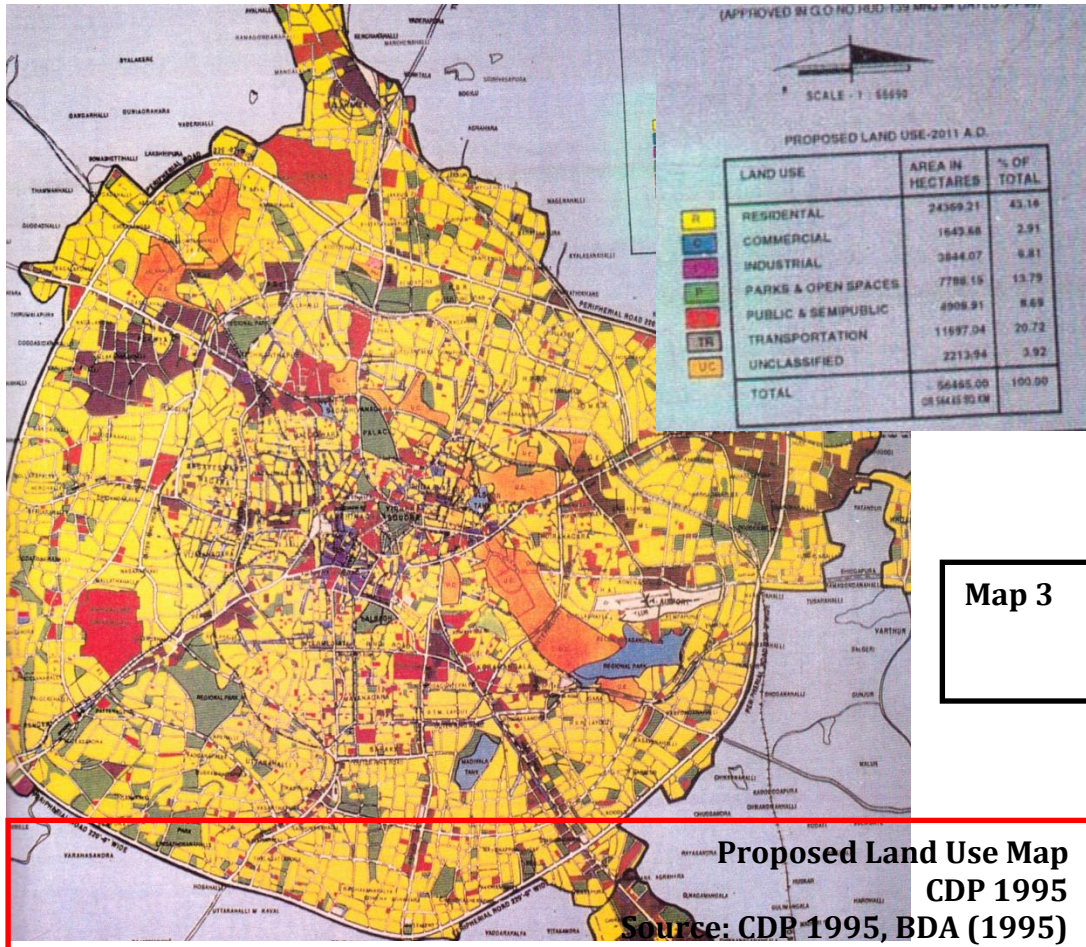
However, regarding the implementation, the RMP states that it is not implementable based on the current institutional architecture of planning in Bangalore. The vision document in its conclusion states:

“[This] Master plan introduces some major innovations in urban management. Its implementation *needs a new urban regulation* mode through an improved control of urban development process and city transformations. It involves operational, anticipatory, realistic and flexible urban planning, which *entails significant modifications* of city planning practices” (ibid, p.73, emphases added).

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<sup>99</sup> Similar to the previous Master Plan documents, the RMP 2005-2015 also specifies in detail the various uses that can occur within each category.

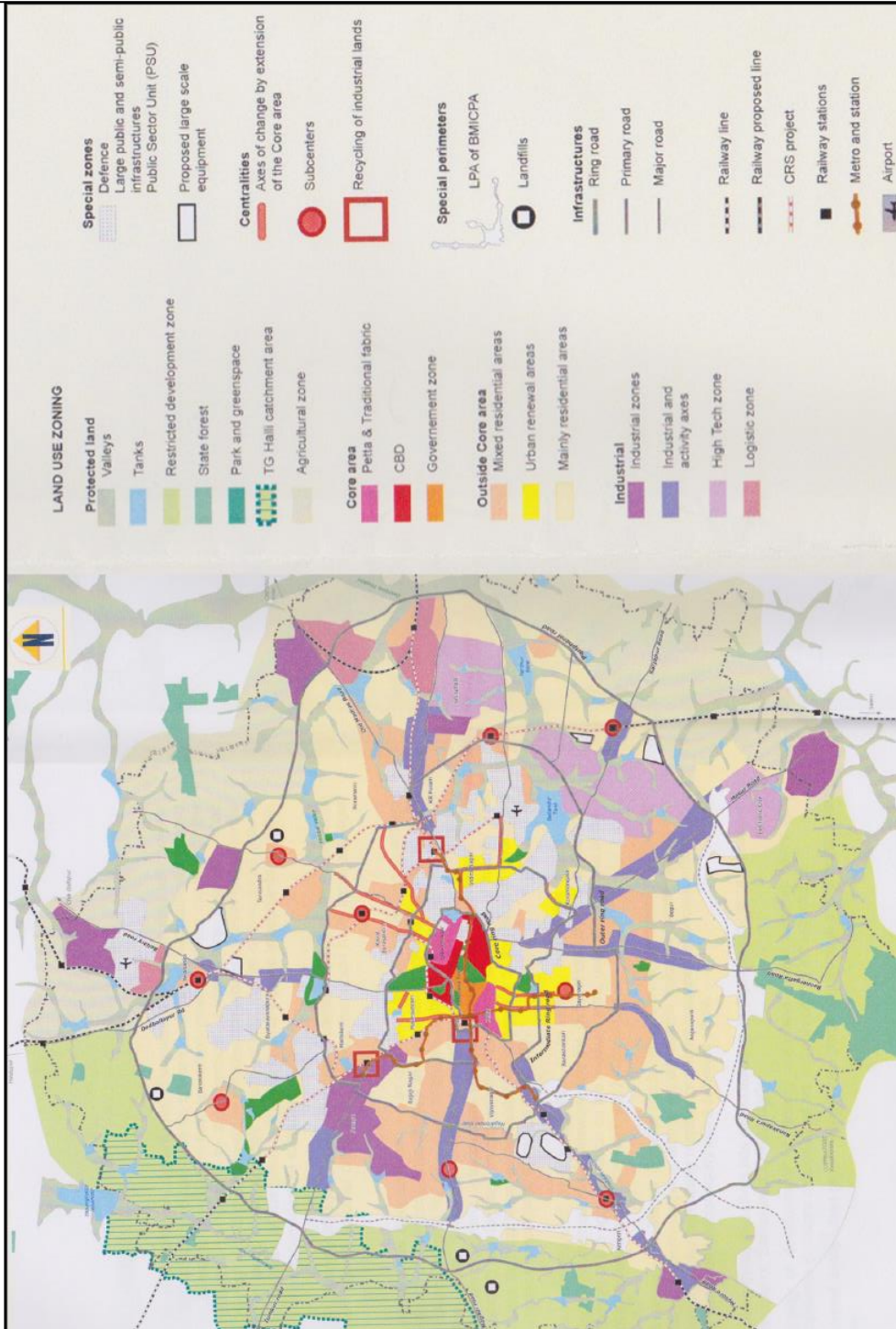






# Map 4

Revised Master Plan 2005-2015: Bangalore:  
 Development Strategies and Land Use plan.  
 Source: BDA (2007)





The RMP document does not identify the significant modifications nor does it discuss how they are to be realized. To that extent, the planning epistemology seems to be located within the comprehensive planning lineage of the policy-implementation dichotomy.

#### **4.5. The process and procedures**

Detailed procedures play an important role in operationalizing the planning system to control the land use change, i.e. through deploying the organizational structures and practitioners in preparing, implementing an enforcing the master plan. In the sections below I discuss the relevant processes.

##### **4.5.1 Master Plan adoption.**

The final adoption of the Master Plan as a legal document is not only a bureaucratic or technocratic exercise but it also goes through a detailed process of approval by democratic government. This is clearly outlined in the KTCP Act. Once the Master Plan is approved by the BDA, it should be submitted to the GoK. After its inspection, the GoK can make appropriate modifications that it deems fit based on the advice of the Director of Karnataka State Town Planning, and return it to the Planning Authority to publish for public consultation for 60 days. Within these 60 days, the general public can communicate their suggestions and comments to the Planning Authority. After considering such comments, The Planning Authority should resubmit the plan to the GoK through the Director of Planning.

“After receiving the plan and the reports and the recommendations for modifications from the planning authority, [The GoK], shall in consultation with the Director, give its final approval to the plan and the reports with such modifications as the Director may advice in the light of the comments and the recommendations of the Planning Authority or otherwise” (section 13.3, KTCP Act 1961 in Puliani 2009).

The Planning Authority can then publish the Master Plan and the reports as finally approved by the GoK in the form of a *Government Order* (GO), a statutory legal document binding upon all the actors (public and private) within its

jurisdiction.<sup>100</sup> The absolute authority over controlling the land use change is enshrined in Section 14 of the KTCP Act as follows;

“On and from the date on which a declaration of intention to prepare a Master Plan is published, *every land use, every change of land use and every development in the area* covered by the plan subject to section 14-A<sup>101</sup> shall conform to the provisions of this act, the Master Plan and the report as finally approved by the state government” (Section 14, KTCP Act, Puliani 2009, p.31, emphasis added).

The act prohibits any development that is deviant from the land use prescribed in the Master Plan, except with written permission from the Planning Authority.

#### **4.5.2 Plan Implementation**

The master plan zoning regulations classify every piece of land in the functional urban region of Bangalore into specific permissible land use categories. Implementation of this regulatory component of the master plan follows different procedures from that of the infrastructure components. All development proposals should ensure that they are prepared, built and lived according to the regulations. Thus every development proposal has to go through elaborate planning permission process intended to ensure that the developments adhere to the regulations. In this section, I discuss the implementation procedure of the land use and building regulations.

BDA and BBMP conjointly implement the land use and building regulations using the process of approving planning applications. All new developments within the BBMP (or any local authority) limits should obtain a building and planning permission from the *Commissioner* before executing the project.<sup>102</sup> To obtain planning permission, an applicant should apply to the local zone office or head office of BBMP or BDA according to the scale of the project. Any development project exceeding a land area of *two acres*, change and conversion of land use, housing and industrial or mixed use layouts are beyond the scope of the BBMP

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<sup>100</sup> The planning authority “*may*, and if so directed by the state government” (Section 13-D, KTCP Act 1961, emphasis added), update the existing Master Plan by conducting a fresh survey of its jurisdiction and follow the same procedure as mentioned above for its finalisation (ibid).

<sup>101</sup> Section 14-A is an exemption clause added into the KTCP Act through an amendment in 1991; described later in this Chapter.

<sup>102</sup> Section 299 of the KMC Act 1976 (Puliani 2008)

and should go to the BDA for planning permission. Any private developments involving plot subdivision, amalgamation or the layout of private streets after the Master Plan's publication date should also obtain planning permission from the BDA. The Planning Authority may refuse or approve the application with or without modifications (Section 17, KTCP Act). The Planning Authority has the powers to prepare specific rules and by-laws (e.g. private layout design by-laws, building rules or open space and street standards) and to undertake specific improvement or urban design projects (e.g. specific housing layouts, open space construction, and road or traffic junction improvements) to implement the objectives of the act.

Even though section 505 of the KMC Act 1976 states that the BBMP does not have any powers to take any decisions on matters that relate to the Karnataka Town and Country Planning Act 1961 (Puliani, 2008, p.254), the BBMP plays a major role in the plan implementation within its jurisdiction. One of my interviewees from the Town Planning Division of the BBMP noted that,

“Planning in the BBMP is functionally very limited. I can't say that it is a small department because there are 21 technical staff in the head office. [So], including the officers at the zonal offices there are more than 50 technical staff, out of which only a few people in the head office are trained planners - about five of us - others are engineers deputed from the Public Works Departments for a couple of years appointed by promoting as planners. The other technical divisions in the BBMP - for example, the engineering wing that takes care of the roads and the waste, the horticulture department that takes care of the vegetation, the tree officer, the welfare divisions for social functions, health department, and so on don't consult us on any of their schemes or project. Town planning in the BBMP is organized around the building permission and issuing of occupancy certificates. In line with the Master Plan prepared by the BDA, the Corporation will make the building regulations. The zoning regulation in the Master Plan will then be detailed in our building by-laws. Then we give permission. This is all the function of the Town Planning Department in the BBMP. Any development - amalgamation, bifurcation, change of land use etc - is always done by the BDA” (Interview with Senior Planning Director, UDD, GoK, who had worked previously in BBMP and BDA, **Appendix 1**, no.111).

The BBMP makes its own building regulations - known as building by-laws - based on the Master Plan for areas inside the BBMP limits and which become the statutory framework for assessing the planning applications. The by-laws adopt a standards-based approach while regulating development. Based on a variety of interrelated parameters like location, use and typology, buildings are thoroughly regulated for height and number of floors, urban design and typology, structural stability of the development including materials and method of construction and the foundation, provision of open space and adequate means of ventilation, fire escape routes and access to remove refuse, utility layout and services infrastructure, construction of wells, architectural features, and so on (Puliani 2008, BBMP 2003). The BBMP can define and prescribe the building line and street alignment or acquire property for public works such as street widening or for a bridge or subway construction.<sup>103</sup>A revenue officer specially deputed to the corporation from the GoK carries out any such acquisition (source: multiple interviews at BBMP).

Administratively, the BBMP is divided into eight geographic zones.<sup>104</sup> Zonal offices are located within each zone and managed by a senior administrator in the rank of Joint Commissioner or Additional Commissioner. In addition to this, there are ward offices in each ward to manage affairs of the ward in coordination with the zonal and head offices. There is a Town Planning Department within the BBMP that inspects and issues planning and building permissions, prepares building by-laws and issues the commencement, completion and occupancy certificates on behalf of the *Commissioner*. A Joint Director of Town Planning (JDTP) deputed from the GoK Town Planning Directorate heads the planning division at the central office while an Assistant Director of Town Planning (ADTP) heads the planning division in each of the zonal offices. The Town Planning Department at the head office technically works under the BBMP Engineer-in-Chief - head of the technical wing - usually deputed from the Public works Department of the GoK. However, for all administrative purposes the

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<sup>103</sup> Section 265 to 272 of KMC Act 1976

<sup>104</sup> The zones are East, West, South, Bommanahalli, Yelahanka (Byatarayanapura), Dasarahalli, Mahadevapura, Rajajeshwari Nagar. (source - [www.bbmp.gov.in](http://www.bbmp.gov.in)) **Map 5, p171**

BBMP Town Planning Department in the head office operates under the Special Commissioner for Projects.

The planning permission process within the BBMP works at three levels. Firstly, *Suvarna Paravanike* is a self-regulation process managed at the head office by an Assistant Director of Town Planning (ADTP). This is a single window clearance facility for planning permission. This scheme is available only for residential buildings on land area up to 4,000 square feet and less than three floors in height. According to this scheme, permission should be granted within three days of filing an application. As a self-regulated scheme, the project site will not be inspected before or during the process of construction. Instead, the project architect and engineer should certify that the project will be built complying with all the regulations. If violations are found within such schemes, then the BBMP has the power to withdraw the license of the architect or the engineer to engage in professional practice within the BBMP limits, and to take enforcement action.

The second level is for all the buildings that do not go through the single window scheme and are up to fifteen metres in height, or have fewer levels than Basement + Ground + 3 floors. These applications are sanctioned by the respective zonal office. The third level is for buildings and projects that are greater than the threshold in the second level and in this case the planning permission is issued by the head office.

The application procedure stipulates detailed procedures and the required documentation. A typical planning application should contain a range of documentation such as the sale deeds, ownership details, *Katha* details (property identification number), *no-objection certificates* (NoC) from a number of agencies including the fire department and airports authority and details of the proposed project with relevant fees to be submitted to the right level and right authority.<sup>105</sup> The *Commissioner* is bound by the KMC Act to approve or reject the

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<sup>105</sup> Site plan of the land/plot, floor plans, elevations and sections of the building and area calculations

application within 30 days. If the commissioner does not take a decision within this time, then the standing committee has the right to take a decision regarding the application; if they also fail to do so, the applicant can execute the project without violating any rules.

Once the planning application is submitted, a case officer will first inspect the project proposal details, make site visits to ensure that the provided details are correct and will start a project file.<sup>106</sup> The project file will move through a number of officers and their tables for consultation. The officer's job is to ensure that the project proposal adheres to the master plan zoning and building or layout regulations in BBMP and in BDA. For some projects even the commissioner or deputy commissioner (projects) will inspect the site along with senior engineers and planners. If there are any doubts regarding the planning regulations, then the projects go to the Urban Development Department of Karnataka State for advice. A minister or a secretary can check a file at any time. Planning permission is given after the approval of the project file from a variety of department heads, such as engineers, planners, and revenue officers and so on, after which it will be presented to the committee. The committee approves the project and the commissioner, being head of the committee (deputy commissioners at the zonal offices according to the scale of the project), signs the file (source: multiple interviews).

An application can be refused for a number of reasons. It may be refused, for example, if it is incomplete or if the proposed development is not compliant with the building by-laws, land-use zoning and site subdivision standards or if it encroaches on public land or if the land is earmarked for land acquisition. An application can also be refused if the streets that are created as a result of land subdivisions are not converted into public streets and aligned with the neighbouring pattern of public streets for full public access. However, appropriate reasons for refusal should to be explicitly stated in the decision conveyed to the applicant. Moreover, any permission granted expires in two years, within which time the applicant should commence their work. The

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<sup>106</sup> These processes are relatively similar in BDA and in BBMP.

*Commissioner* and the officers appointed by him/her can inspect the work at any time during or after construction to check if the development is regulation compliant.

After the project obtains planning permission, the applicant can begin the construction. All applicants are required to inform the *Commissioner* of starting the construction work and obtain a *Commencement Certificate* after constructing the foundations and the superstructure up to the ground floor plinth. This will involve inspection from the surveillance system of the organization, to ensure that the project has been started in accordance with the plans approved. Similarly, within one month of completing the work, the applicant should obtain a *Completion Certificate* from the *Commissioner's* office. This will again follow the same order of inspection after which the competent authority will issue a Completion Certificate. This Completion Certificate should be used to obtain the connections for various services (water electricity, sewage and drainage). This procedure ensures that a habitable building is permitted through planning and therefore legal. This process further integrates the planning permission process and making of a legal building with the activities of another set of institutional actors that are mainly service providers such as the Bangalore Electricity Supply Company (BESCOM), Bangalore Water Supply and Sewerage Board (BWSSB), and so on. Further, once the building is ready for occupation, the applicant should seek the *Commissioner's* permission to *occupy* the building. Clause (2) of Section 310 of the KMC Act states,

“No person shall occupy or *permit to be occupied* any such building or part of the building or use or permit to be used the building or part thereof affected until,

- (a) Permission has been received from the commissioner in this behalf, or
- (b) The commissioner has failed for thirty days after receipt of the notices of completion to intimate his refusal of the said permission” (Puliani, 2008 p169, emphasis added).

### 4.5.3 Flexibility in the implementation of land use regulations: change of land use and conversion of land use

Even though the master plan prescribes land use categories in a strict manner, the KTCP Act allows for flexibility during the plan implementation process. I discuss two of them in detail (and which are particularly relevant to the analysis presented in the forthcoming chapters in this dissertation): those that allow for a *change of land use* from the Master Plan categories and a *conversion of land use* from agricultural land within the Master Plan boundary.

Even though Section 14 of the KTCP Act 1961 establishes the ultimate authority of the Master plan, a subsection named Section 14-A was introduced in 1991 amending the KTCP Act to legally enable developments that are different from the land use that is prescribed in the land-use plan. Section 14-A states,

“At any time after the date on which the Master Plan of an area comes into operation, the planning authority may, *with previous approval of the state government* [emphasis mine], allow such changes in the land use or development from the Master Plan as may be necessitated by *topographical or cartographical* [emphasis mine], or other errors and omissions, or due to failure to fully indicate the details in the plan or *changes arising out of the implementation of the proposals in Master plan* [emphasis mine] or the circumstances prevailing at any particular time, by *the enforcement of the plan* [emphasis mine]. Provided that,

- a) “all changes are *in public interest*, [emphasis mine]
- b) the changes proposed do not contravene any of the provisions of this act or any other law governing planning, development or use of land within the local planning area and
- c) the proposal for all such changes are published in one or more daily newspapers, having circulation in the area, inviting objections from the public within a period of not less than fifteen days from the date of publication” (Puliani 2009, p.37).<sup>107</sup>

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<sup>107</sup> Further subsection 3 of section 14-A inserted as part of amendment in 2005 reads, “Notwithstanding anything contrary contained in the Act, if the change in land use or development is from commercial or industrial to residential or from industrial to commercial and the stipulated fee is paid and the LPA is informed prior to effecting the change, the permission for such change of land use or development shall be deemed to have been given” (ibid, p.38).



Based on Section 14-A, land parcels that are not reserved as agricultural or wetlands in the Master Plan require a *change of land use* permission to convert its use from one category to another (from industrial to residential, for example). If the BDA found that the land-use change would not disturb the structural logic of the land-use plan and are it is in conformity with the public interest criteria then they will advertise it in the local newspapers to invite any objections from the public and the locality. Once this is settled, either through arbitration, or through a discretionary decision, it will recommend to the GoK that the land parcel can change its use. If the GoK approves it too, then the BDA will issue a *commencement certificate* after collecting the required fees. The process of verification of the application is normally treated as in the case of other planning applications, i.e. with required site visits and so on.

Similarly land parcels that are reserved as agricultural or wetlands in the Master Plan require *conversion of land use* permission from the the Department of Revenue before an applicant can apply for planning permission for a non-agricultural use.<sup>108</sup>

Agricultural lands are classified in two categories in the Master plan. The first are those highlighted in green and to be retained as agricultural land or wetlands. These land parcels are protected from any development and requires that they obtain clearance of the authorities before any developments are built. The second are those agricultural land parcels that are earmarked in the Master Plan for residential, commercial or industrial or any other types of use and denoted by the respective colour in the land-use plan. These land parcels also need to consult the Department of Revenue to obtain a *conversion of land use*. DC Revenue would consult the BDA before issuing the *conversion of land use* permission to such applicants; to make sure that the decision is in line with the Master Plan zoning. Even though permitting a land-use conversion is the privilege of the Department of Revenue, the Act also specifies that the DC revenue shall not refuse the permission if “such diversion is in accordance with

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<sup>108</sup> Section 95 of the Land Revenue Act 1964

the land use specified in the Master Plan” (Section 95 of the 1991 amendment of the Karnataka Land Revenue Act 1964, quoted in Puliani 2009, p.64).

Once the permission is granted for *change of land use or conversion of land use*, if the land area is greater than two acres, then the applicant has to further apply for planning permission for the approval of the layout plan based on the standards prescribed by the Master Plan and KTCP Act for private layouts. If the land area is not smaller than 2 acres, the applicant can apply to the respective Local Authority (BBMP for example) for planning permission. Only this enables the legal completion of the planning process.

#### **4.5.4 Plan enforcement**

The KTCP Act is legally enabling as well as binding on all actors operating within the jurisdiction of the Local Planning Authority. Sections 17 and 73 prescribe various forms of sanctions - from demolition to imprisonment - for anyone acting in contravention to the clauses and the powers of the act. To enable this both the BDA and the BBMP have enormous powers conferred on them by their respective acts.

For example, the BBMP *Commissioner* is conferred with extensive powers by the KMC Act to facilitate or intervene in the everyday life of the city, i.e. to *survey, inspect, regulate, license, sanction, prohibit, provide, remove or alter* a wide-range of activities and buildings. For example s/he regulates quarrying, ensures fire safety, prohibits nuisance, facilitates and provides public sanitation and health, regulates vacant buildings, issues license for a range of trade practices from factories, lodges and hotels to keeping pigs and other animals, destroys stray animals, licenses stables and cattle sheds and slaughterhouses and the sale of fish and poultry, regulates cart stands in public places, laundries (washer men), and so on. Similarly, the *Corporation* has the right to control all construction and demolition that may obstruct the public street or public space and regulate the use and characteristics of all sites and buildings being built within the

corporation limits using *building by-laws*.<sup>109</sup> If the development violates any clause, then the *Commissioner* can demand alteration or demolition in full or part of any unlawful building or development after issuing a Show Cause Notice.<sup>110</sup> Section 321 of the KMC Act 1976 states,

“The commissioner shall serve a copy of the provisional order made under subsection (1) on the owner or builder of the building or hut or well together with a notice requiring him to show cause *within a reasonable time* to be named in such notice why the order should not be confirmed” (emphasis added).

“If the owner or builder fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order with any modification he may think fit and such order shall then be binding on the owner” (Clause 2 and 3 respectively in Puliani 2008, p.172).

Subsection 3 of Section 321 states that if the owner of a building or development did not obtain permission or if the permission has expired, then the *Commissioner* can issue a notice for *immediate demolition* giving a minimum of 24 hours advance notice. Unlike other notices that should allow a reasonable timeframe for the owner/applicant to provide an explanation, this notice of demolition can be “affixed on [to] some conspicuous part of the building” and “published by proclamation at or near such building *by beat of drum*” (emphasis mine, Puliani 2008, 172). The Bangalore Metropolitan Task force (BMTF) located within the BBMP (this organization works for the BBMP as well as the BDA) and headed by an Inspector General of Police is entrusted with the task of enforcement action (including demolition).

Further, in order to enable efficient enforcement, the city is circumscribed into closely monitored geographies of surveillance and plan administration. This is enabled through producing detailed information of land and properties as well as through institutional structure.

Every property within the BBMP is given a unique property identification number called a *Katha*. A *Katha certificate* issued to the owner of the property

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<sup>109</sup> As per provision of Section 195 of the Act; the latest revision of building by-laws was in 2003.

<sup>110</sup> The Act distinguishes a *building*, a *hut* and a *well* as three distinct legal entities.

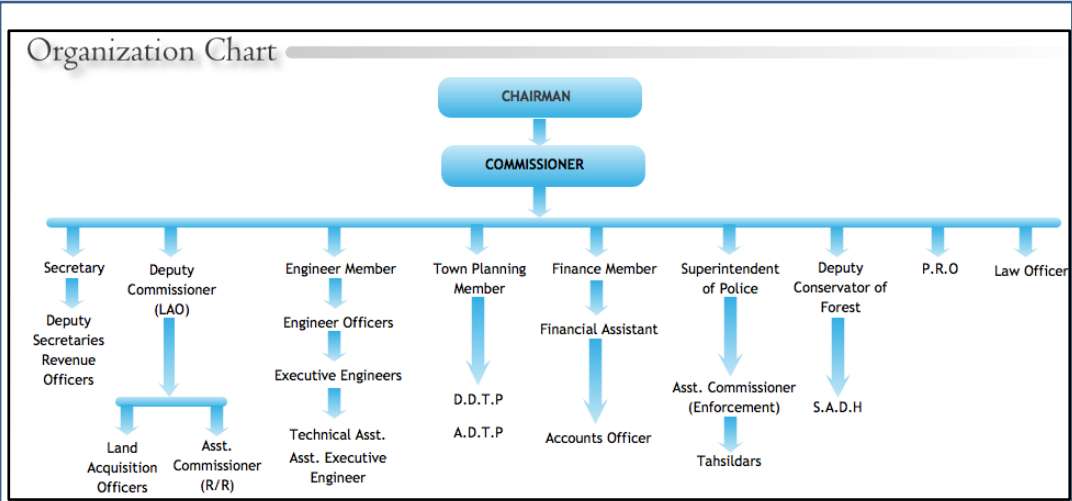
contains information about the name of the owner, the size of the building, location of the property and the tax band. To possess a *Katha* is a minimum requirement for every legal building within the BBMP. All transactions involving a property require the details of its *Katha*: paying property tax, accessing bank loans and mortgages, obtaining service connections, selling, leasing or registering the property, agreeing rental contracts, obtaining trade licenses, and while applying for planning permission. A *Katha* register in the BBMP enables the state to locate a property or a building within the geography of the BBMP and identify its owner, use and characteristics (Source: GoK 1977; various interviews with planning officer, BBMP; various interviews with real estate agents). Such close surveillance is consistent and continuous. For instance, any transfer of property (sale or purchase, for instance) should be made known to the corporation within three months of the transfer.<sup>111</sup> Similarly, all demolitions and new constructions are to be communicated to the *Commissioner* for the purpose of amending details in the property tax register. For the first time in 2009, the then *Commissioner* developed a GIS database of the entire city that locates every property. This process for example, enabled the identification of 410,560 properties that had been evading tax which were subsequently brought into the tax net (Raju 2011; Interview with a Retired Administrator of BBMP, Bangalore; August 2010; see **Appendix 1**, no.97).

Plan enforcement is also enabled by close surveillance of local geographies enabled by the distribution of field offices. Institutionally, the BDA and the BBMP head offices are led by Commissioners, the Zonal offices are headed by Zonal commissioners (deputy commissioners) and ward offices are headed by executive engineers.<sup>112</sup> These Zonal offices - and the local offices under them - are staffed mainly with engineers, whose responsibility is to oversee developments and ensure regulation compliance and implement development projects. Such an institutional system spreads the responsibility of operation

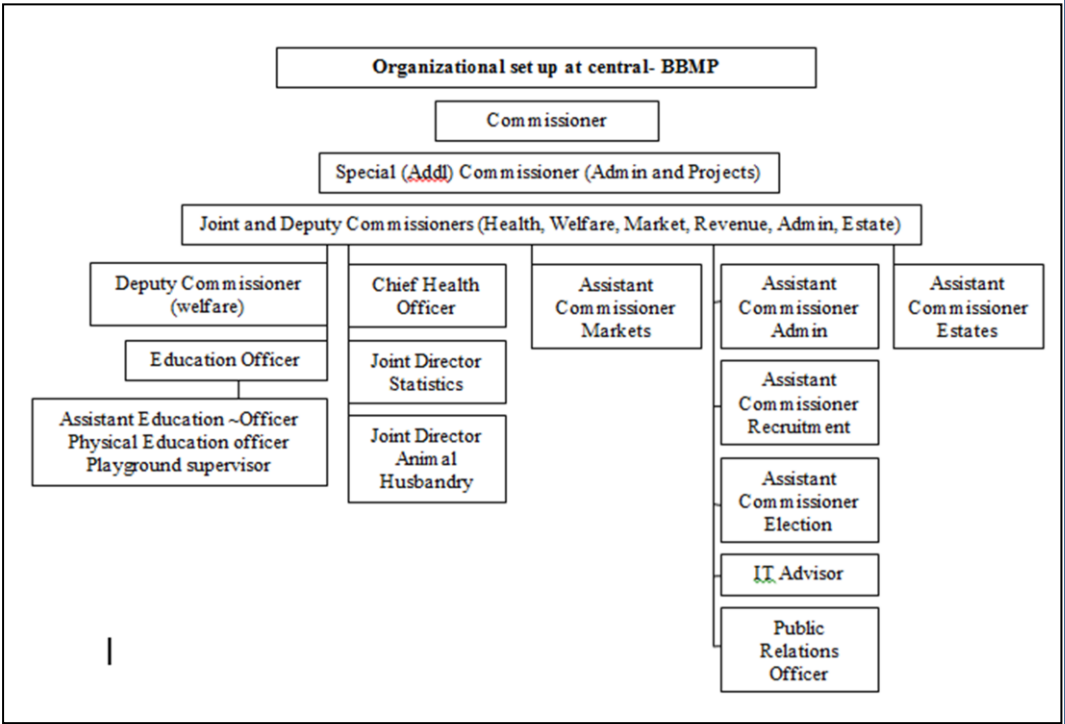
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<sup>111</sup> Section 114 of the KMC Act 1976 (Puliani 2008)

<sup>112</sup> The city is divided into administrative zones. BDA has zonal offices, while the BBMP had ward and zonal offices. All these offices report to the main office according to their vertical hierarchy. An Assistant Executive Engineer heads a ward office and an Executive Engineer heads the zonal office.



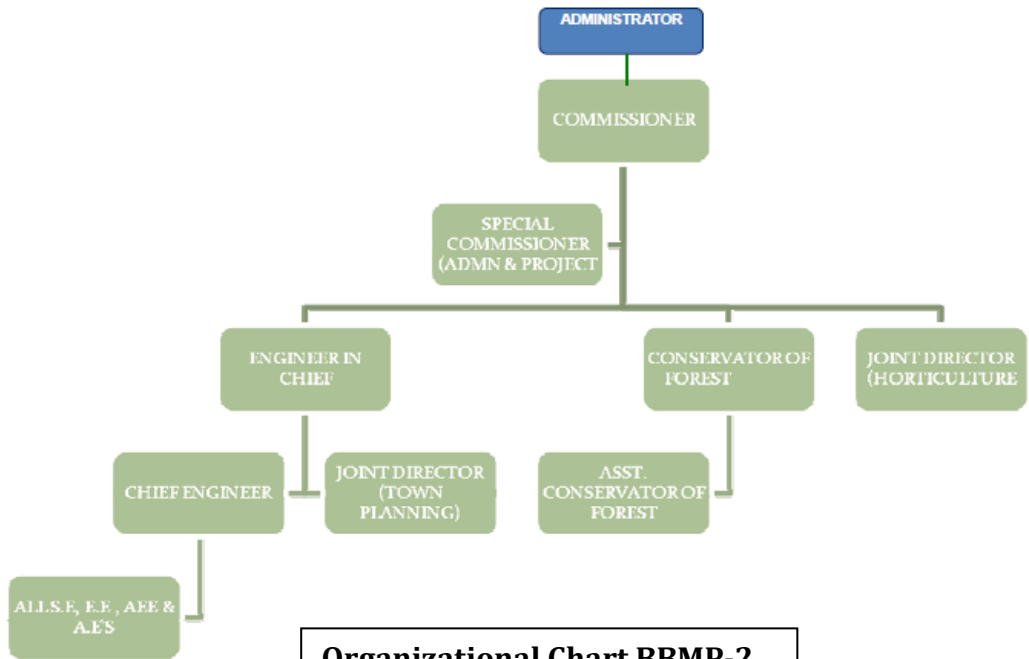
**Organizational Chart BDA**



**Organizational Chart BBMP-1**

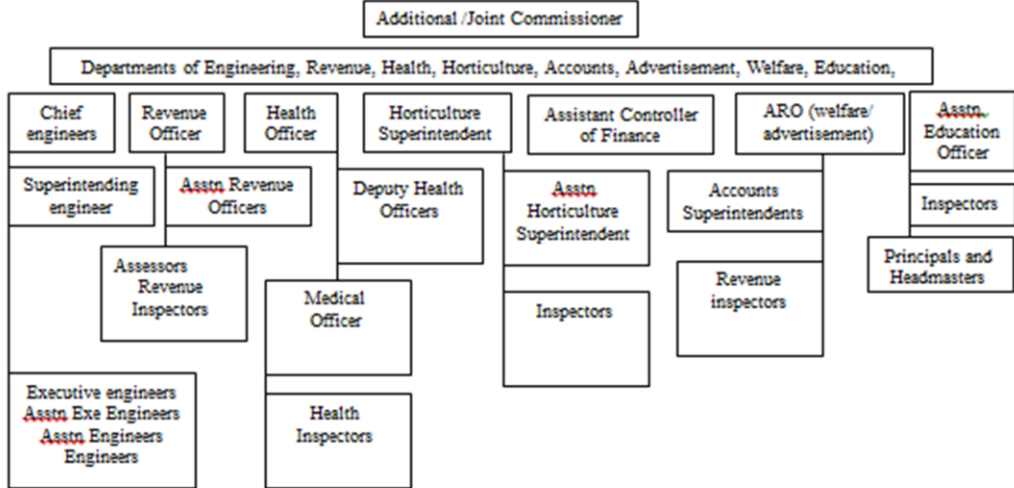
**Diagram 2**

**ORGANISATION SETUP AT CENTRAL CHART-B**



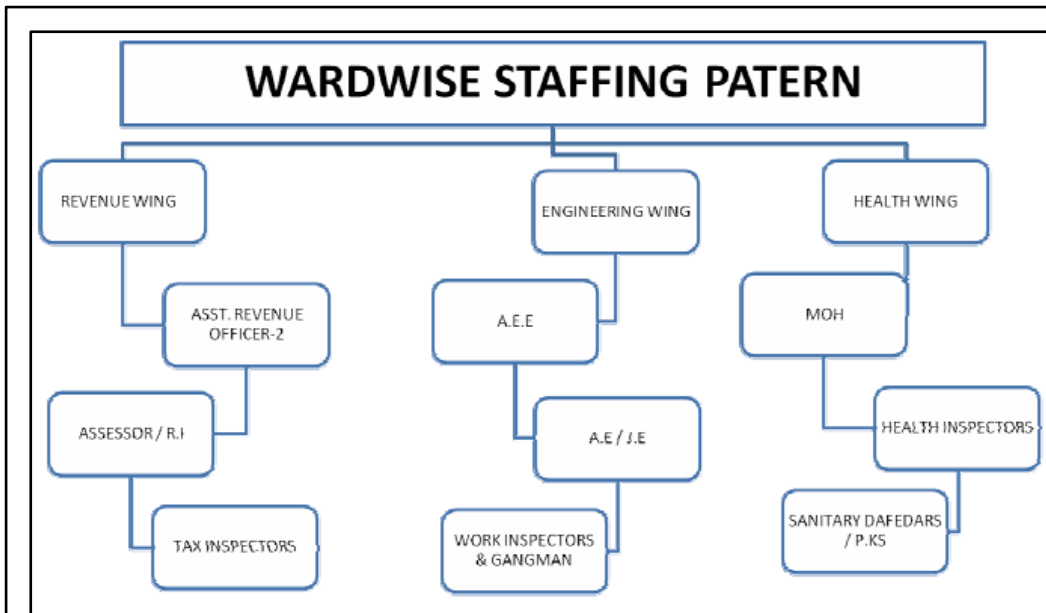
**Organizational Chart BBMP-2**  
Source: BBMP

**Organizational set up at Zonal Level - BBMP**



**Organizational Chart BBMP-2**  
Source: BBMP

**Diagram 3**



**Organizational Chart – BBMP-3- Individual Wards**  
 Source: BBMP

**Diagram 4**

across the city, close to the geographies of governance, and this in theory, ensures a close surveillance through these offices.

Further to these widely distributed geographies of bureaucratic surveillance, three levels of elected representatives constitute political geographies of governance in Bangalore. These include the ward councilor elected by the residents of a ward, a Member of Legislative Assembly, (MLA, the legislators of Karnataka state) elected by the voters within the Legislative constituency, and a member of parliament (MP) who belongs to the national parliament in Delhi. So the political geography of a locality involves an MP, an MLA and a local councilor, operating in different levels of governance, while administrative geography involves local engineers from BDA and BBMP local, Zonal and head offices along with the higher officials who work at the ministry of urban administration. In principle, every territory in Bangalore is embedded within these geographies of surveillance from bottom to top; in the words of a senior planner, “not even a fly can pass through without the knowledge of the local councilor and the local engineers” (Interview with a Very Senior Planning Director, UDD, GoK; see **Appendix 1**, no.90). Thus, officially, the land-use plan enforcement system operates through the involvement of these elaborated institutional actors supported through a number of offices, policy/acts and circulars.

#### **4.6 Conclusion**

In this chapter I outlined the existing process architecture of land-use planning, implementation and enforcement in Bangalore. I demonstrated the presence of an extensive apparatus for land use control and described how the processes is enabled through an intricately interconnected process involving a large number of organizations, laws and acts, personnel and procedures. I described that in Bangalore, there are separate organizations for local democracy, development plan-making, services provision, coordination and managing specific sectors of urban development administration. These specific organizations are legally instituted by government acts with specific mandates. Organizationally, even



though they are interconnected to form a top-down hierarchical administrative bureaucracy under democratic mandate, the actual process of land use control depends on a range of processes that involve a range of interactions between many vertical and horizontal actors and procedures.

The Government of Karnataka is, the sovereign authority over all these organizations: the administrative bureaucracy that forms a major part of the executive is made accountable to the legislature and legally supported by the judiciary. The GoK appoints the Secretaries and Commissioners, legislates planning and deploys the organizational capabilities to achieve various ends of the land-use planning. The main regulatory component of the Master Plan,- the land and building use regulations - that controls the behaviour of citizens and groups is prepared in the tradition of comprehensive planning by the BDA. Institutionally, the BDA and BMRDA are nested within Karnataka State's Town Planning Ministry and advised by a separate technical body called the Urban Development Department (UDD) which functions under the Principal Secretary of Urban Development. The implementation and enforcement of the Master Plan - in particular land-use regulations and building controls - are shared between the BDA and BBMP through control of the planning application process, site-level surveillance and the demolition of violations.

Furthermore, I showed that that the planning application process in Bangalore involves both institutional surveillance as well as self-compliance (Harris, 2011), i.e. demonstrating to the authority that one is following the rule, and the authority verifying this assertion through its surveillance apparatus.<sup>113</sup> For example, it is only after the completion certificate is received that the owner may apply for the connection of services to ensure that the building or project is in compliance with the regulation before it is able to be in operation. The planning application procedure in Bangalore is therefore a central aspect of the *technologies of governance*.

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<sup>113</sup> As well as in most other parts of the world. However, the rationale will differ in systems such as the UK's which grant higher levels of discretion to the planning officer.

Land-use planning in Bangalore is designed as a hierarchical command-and-control system of bureaucratic public administration that involves conjoining these various organizations under a minimum number of senior civil servants and ministers. Coordination between these specific actors is dependent on the coordination among a small number of secretaries at the top. This is quite evident, for example, from the structure of the executive board of the BMRDA, the authority of all authorities with the Chief Minister as its Chairman. This is also evident from the fact that the senior bureaucrats are simultaneously members of several working and coordination committees and sit on the boards of numerous organizations.

So to sum up, the elaborate architecture of land-use planning process in Bangalore is enabled through a series of institutional actors in various forms of organizational and operational relations, tightly controlled by the state government using the instrument of rational scientific comprehensive planning that adopts specific land-use zoning regulations and a standards-based approach. In the chapters that follow I shall show how this institutional apparatus operates in practice from the perspective of violations.

## Chapter 5

### Land-use planning and practice of private interest networks

There is no planning in Bangalore.

- Director of planning in Bangalore

#### 5.1 Introduction

In this chapter, I will draw on my fieldwork to show how violations are produced and sustained. The main intention here is to show how violations need to be understood beyond the functional understanding of them as deviations from a plan document or the planning process. I demonstrate here how examining violations reveals the appropriation of the process architecture of planning to produce what can be called private-interest outcomes. I do this by examining the connection between violations and the practice of planning.

To structure this argument therefore, I propose two analytical frames called *plan violations* and *planning for violations*. While *plan violations* discuss how violations that deviate from the plan document, planning law and planning process are produced, *planning for violations* demonstrate how these are sustained through the planning process itself. Both these processes are enabled through the appropriation of the process architecture of the planning system through various means. I argue that this appropriation exemplifies the practice of planning as vernacular governance, demonstrated using specific cases from the Koramangala neighbourhood as well as drawing on the wider geography of Bangalore.

This chapter is structured as follows. The first section introduces the urban morphology and land-use change in Koramangala in order to contextualize some of the specific cases. Secondly, I analyze specific cases of *plan violations*. From interviews and field ethnography, this section discusses the various operational modalities that enabled the production of these violations. It is structured through examining three types of violations: *by individual property owners, large private layouts and revenue layouts*. Thirdly, I discuss how plan

violations are integrally connected to *planning for violations*, i.e. developing planning frameworks that incorporate plan violations. This is demonstrated by drawing on three specific examples: the practice of *section 14-A* of the KTCP Act; the current *Master Plan 2005-2015* process; and the *Regularization Act* (which is an amendment to the KTCP Act regularizing illegal developments). While *plan violations* operate through the manipulation of policies, offices and procedures, *planning for violations* legalizes the illegal outcomes. The latter moves from outcomes to policy making and erases the line between legality and illegality. Plan violations and planning violations together form what I call *planning for private-interest outcomes* in vernacular governance.

Drawing on interviews with a wide range of actors who participate in the planning network in Bangalore, I show that these processes operate through the various micro-political networks that inhabit the planning, political and administrative spheres in Bangalore. I will argue that these specific processes can be identified as governance processes that support private-interest outcomes through *appropriating policies* and institutional processes as well as devising *appropriate policies* and institutional processes to suit their requirements. Such a governance process exemplifies the idea of *vernacular governance* outlined in Chapter 2. I will show that this network amends the planning system in practice to suit the interests of the actors. This elaborate network of actors and procedures, operating at a specific cost, integrates people from both inside and outside the government - property owners, developers, intermediaries, local engineers, local councilors and planners - to work around the laws, procedural frameworks and institutional processes to support private-interest outcomes. It will be evident that this network does not operate to exercise *state power* in any formal fashion; instead, the network's actors are engaged in what Harris-White (2005) has called *self-employment* while exercising their *governing powers*. In other words, I argue that the actors in this network support each other's requirements by drawing upon their position in the socio-political system.

## 5.2 Urban morphology and land-use change in Koramangala

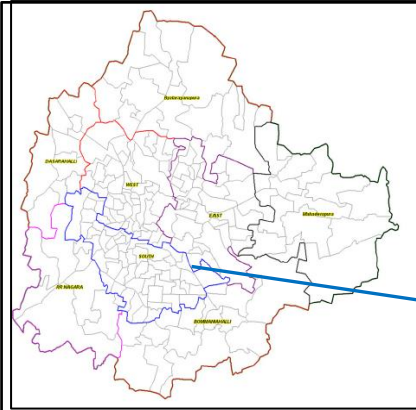
The Koramangala neighbourhood lies on the southeast Bangalore within the BBMP limits. Koramangala is one of Bangalore's vibrant urban districts (**Map 5, p172; Map 6, p173**) with a varied land-use profile. The definition of Koramangala neighbourhood, its boundary and limits usually vary according to who defines it and for what purpose.<sup>114</sup> The Koramangala Planning District comprises of four BBMP wards (Koramangala, Ejipura, Austin Town and Neelasandra) and is home to 178,784 people in 7.45 square kilometres (BDA 2007).<sup>115</sup>

The Koramangala layout was master planned in the 1960s and implemented in various phases by the CITB and later by the BDA by acquiring large tracts of farmland. Based on the KTCP Act and the Master Plan, an urban neighbourhood was created through engineering and transforming agrarian land to suit urban living conditions, i.e. to create space for varied types of employment, institutions, housing and entertainment. The making of the Koramangala layout exemplifies the state-led planning system established by the 1961 KTCP Act. Every parcel of land and road width has been earmarked for specific uses based on the planning standards and its transformation is controlled using the planning institutional apparatus. Over the last four decades, sites were allotted to various applicants after the implementation of each phase. A new social geography developed in the place of a rural community.

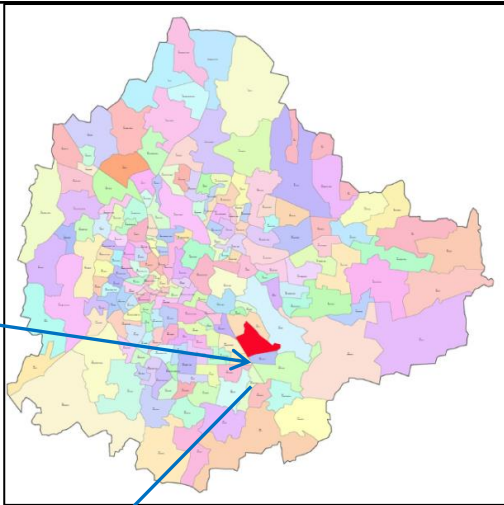
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<sup>114</sup> Spatially the urban district can be described as enclosed by large parcels of public land to its east (army land uses), south (the state police) and northwest (a military school). Many significant city and regional transport connectors cross the wider Koramangala (refer to maps and drawings). For example, National Highway No. 7 (NH 7) defines the western boundary of the Koramangala Planning District; the intermediate ring road (or 100 Feet Road) cuts through the neighbourhood, connecting the NH 7 to the south with the NH 4 to the east. This road also links Koramangala with a vibrant residential neighbourhood called Indira Nagar to its east. Similarly, Sarjapur Road, while forming the southern boundary to Koramangala, connects to the NH 7 in the west and to the outer ring road in the east. Moreover, an 80-foot wide road forming the spine of the planning district also links it to Bangalore's central business district to the north. In short, through various local and regional connectors, Koramangala neighbourhood is integrated into the east, central and south of the city.

<sup>115</sup> Various wards within Koramangala have different density profiles. For example the Koramangala Ward has 35,359 people in 3.71 square kilometres and the neighbouring Ejipura Ward, 29,105 people in 1.61 square kilometres. However the gross density of 234 pph is comparable to the central BBMP gross density of 200 pph.

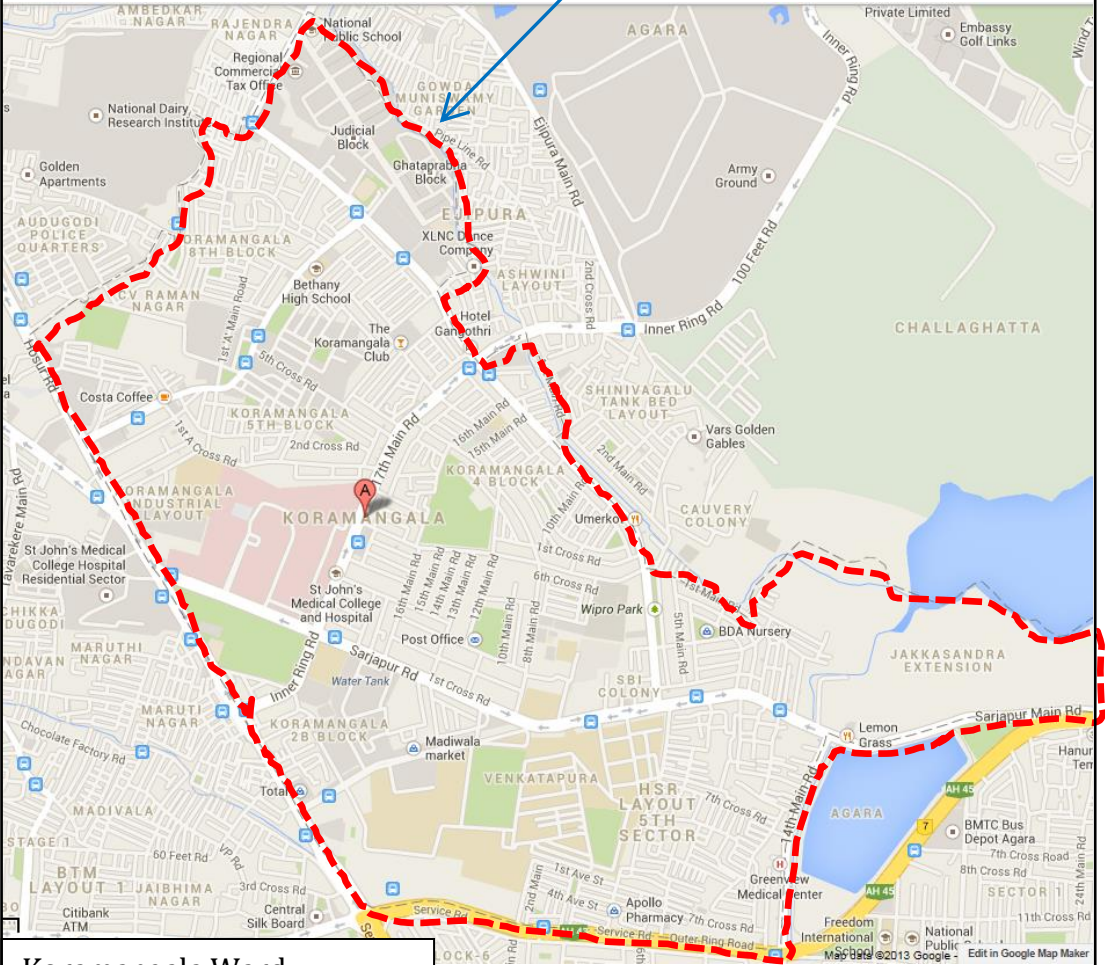


**Map 5**



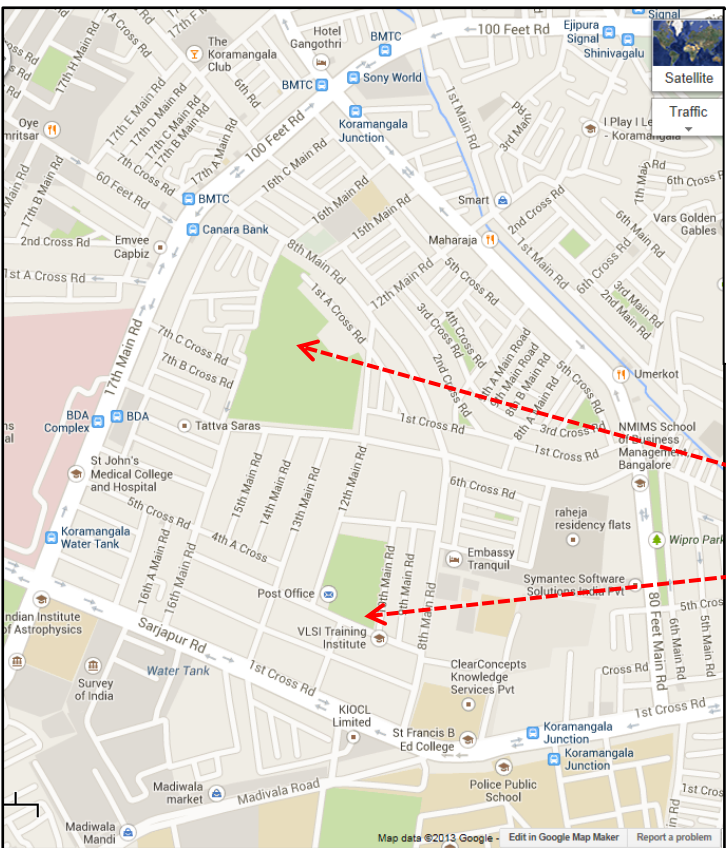
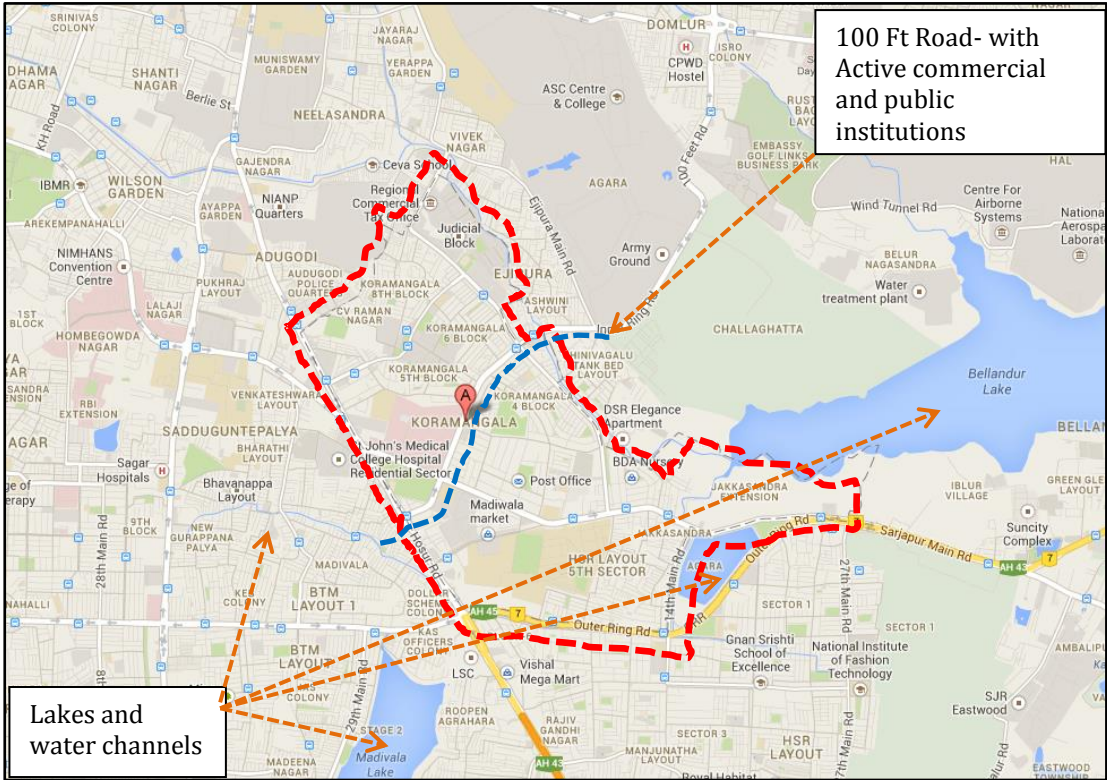
**BBMP: Zones Map**  
Source: [www.bbmp.gov.in](http://www.bbmp.gov.in)

**BBMP: 198 Wards**  
Source: [www.bbmp.gov.in](http://www.bbmp.gov.in)



**Koramangala Ward**  
Source: Google Maps





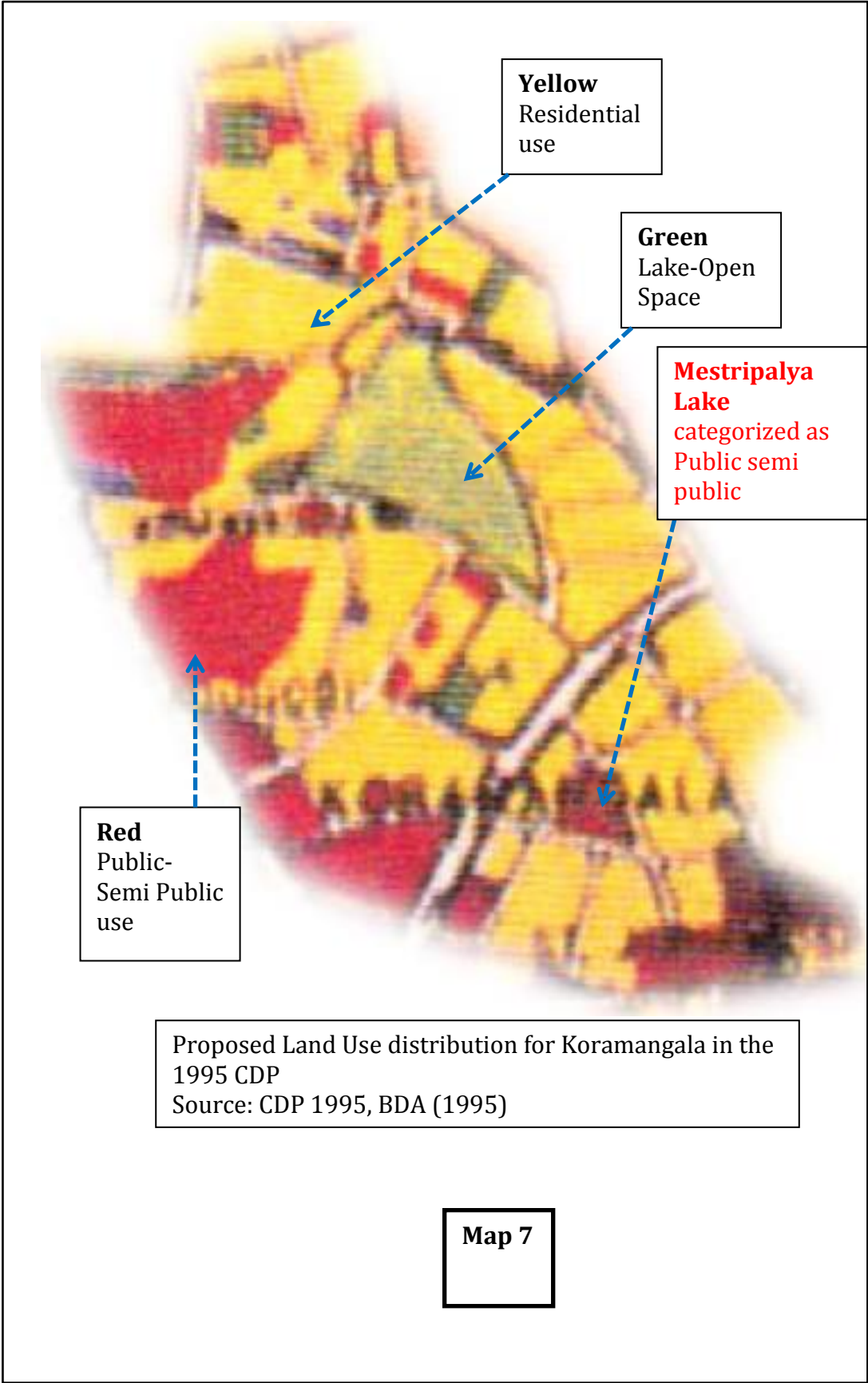
**Koramangala Neighborhood** Mix of Land uses in Koramangala visible from a basic Google Map: includes commercial, offices, residences, large institutions and very large and small watersheds

Source: Google Maps

**Mestripalya Lake and Village**

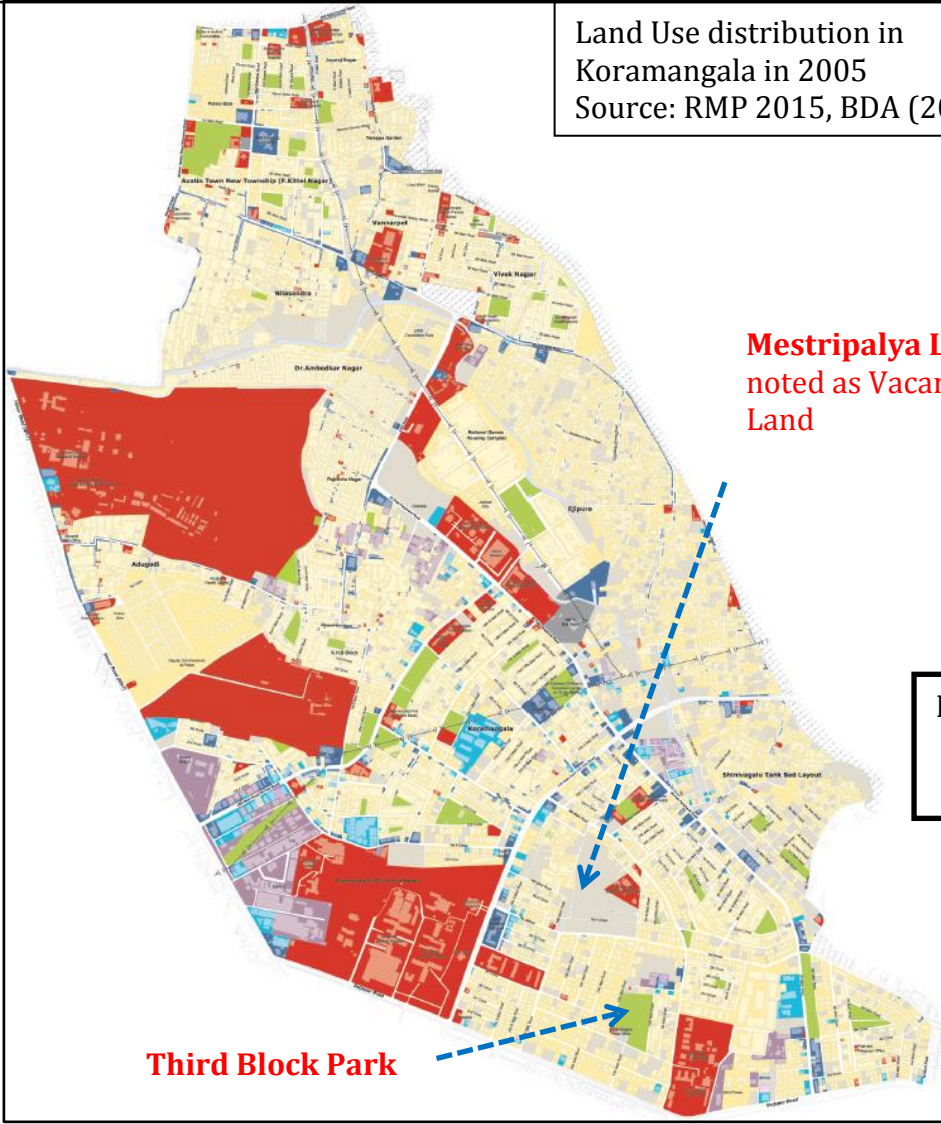
**Third Block Park**

**Map 6**





Land Use distribution in Koramangala in 2005  
Source: RMP 2015, BDA (2007)



Map 8

Land Use Classification	Area	%
Residential	340.6	44.5
Commercial Trade and Business	21.5	2.8
Commercial Corporate Office and Service	14.8	1.9
Industrial	21.4	2.8
Public and semi-public	147.9	19.3
Public utilities	0	0
Park, Playground and Open spaces	25.4	3.3
Transportation Transport facilities	2.6	0.3
Transportation Roads + Railway lines	106.4	13.9
Other spaces Quarry	0	0
Other spaces Lake and tank	0	0
Other spaces Agriculture Land	0	0
Other spaces Vacant	80.7	10.5
Other spaces Unclassified	4.1	0.5
<b>Total</b>	<b>765.3</b>	<b>100</b>

Even though Koramangala Village has been within the BDA Master Plan boundary since the 1960s, it was only annexed by the BBMP in the mid-1990s. Many older residents of Koramangala recall that until the annexation, there were no proper roads or drains and there were still orchards and farming on many parcels of land. During my discussions about the transformations in Koramangala, many of them remembered their days as school children when they picked fruits from the orchards.

Rajaram, one of my interviewees, and who runs his own construction business in Koramangala, described the transformation of Koramangala through the story of his own family. He lives in the middle of one of the well laid out Koramangala blocks in a sprawling mansion. In 1955, his grandfather moved out of Koramangala Village and bought 5.5 acres of land nearby which they later expanded to 15 acres on which they had grape vines, guava plants, papaya and a dairy farm. They had 12 cows and used to supply milk to the households in Koramangala neighbourhood. Some other interviewees in Koramangala fondly remember the days when they used to buy milk from Rajaram's family.

In 1965, the CITB gave notice of its intention to acquire the land for developing the Koramangala layout. When the final notification came in 1969, Rajaram's family objected to it and petitioned to the court against the acquisition. In order to avoid forcible land acquisition, the entire family moved from the village and settled on the farmland. Even though they fought the case until 1972, they eventually lost. However, with their political connections they managed to get the CITB to restore six acres of the acquired land to the family's ownership which enabled them to retain parts of their orchards. They continued to sell fruits and milk to the neighbourhood until the early 1980s. Rajaram noted that,

“We were in the middle of a developing layout. Koramangala Village had no sanitation when it was handed over to the BBMP even though the tax structure changed after it became part of the city corporation. When people came to this area, there were no facilities. So, many families were still buying milk from us. I still remember the first man to build a house in this block; he is still very close to us. I got involved in construction activities, because when I was growing up during the late 1980s and 1990s, construction activities were beginning in Koramangala. This was natural local employment for me, so I started taking up contracting”

(Interview with a Local resident who is also a [Material removed to protect privacy], Koramangala, August 2010; see **Appendix 1**, no. [Material removed to protect privacy]).

If this was the perspective of very long-time residents of Koramangala, the perspective of those who moved to the new BDA layouts in the 1980s and 1990s was dominated by nostalgia for the peace, tranquility and quietness of a suburb. Many people who moved to the Koramangala layouts later were also looking for a peaceful part of Bangalore to settle down, for some to lead a retired life.<sup>116</sup> Many Koramangalites remember that, until the mid-1980s, auto rickshaws usually would not take passengers from the central city into Koramangala late at night because they would not be able to attract a return fare. Some of the following quotes from my interviewees living in different parts of Koramangala demonstrate how Koramangala was a quiet and sleepy suburb until recently:

“When I moved here in the 1980s the whole area was like a marshland. It was a tank bed. You couldn’t see much water then, but you could see marshes and cows grazing” (Lead Activist and Local Resident: Koramangala Initiative, Koramangala; see **Appendix 1**, no.1).

“When I was allotted this site, there was nothing here. It was like things have been run over by a bulldozer; there were hardly any trees, bare land. Roads have been constructed and sites were marked, this was late 1970s”, (Lead Activist of Koramangala Initiative and local resident, Koramangala; see **Appendix 1**, no.20).

“Koramangala then was very famous for mosquitoes from the wetlands”, (Local resident who is a lead activist in Koramangala and Right to Information Activist in Bangalore; see **Appendix 1**, no.23).

“In 1994 there was nothing here except my house - even though this was a BDA layout, amenities were lacking - we didn’t have proper roads, drains - nothing. It was a *ragi* field then.<sup>117</sup> Only one bus used to come down to Koramangala - that too once in an hour - people had to walk one to two kilometres to get to their house from the Hosur Road, where the bus stopped, and water supply was a problem. [Because] the third and fourth blocks were VIP blocks, their roads got asphalted and their water supply improved much quicker” (ibid).

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<sup>116</sup> Bangalore was also known until recently as a pensioner’s paradise.

<sup>117</sup> Ragi means Millet

“In 1989, I bought this plot - it was 250 Rupees a square foot; now it is 15,000”. (Local Resident Welfare Association Activist, Koramangala; see **Appendix 1**, no.12)

“Fifteen years back, Koramangala had empty roads - nobody on the roads after 6 pm. Hardly any traffic, hardly any street lights, it will be quiet - the BDA complex was there - that’s pretty much it - you wouldn’t like to walk alone in the evening” (Journalist and resident of Koramangala; February 2009; see **Appendix 1**, no.37).

Koramangala transformed from the idyllic village of the in the 1980s and the quiet suburb of the mid-1990s into one of the most sought after residential and business locations in Bangalore by the turn of the 21st century. Currently a wide range of land uses can be identified in Koramangala, including a medical college, research and educational establishments, a police academy, a military school, large commercial centres, various kinds of business and industrial establishments, large lakes and open spaces, along with a wide range of residential typologies that include urban villages, revenue layouts, BDA housing plots, apartments and slums. Residential land use composes about 45% of the Koramangala Planning District (BDA 2005). While many of the large institutional land uses were conceived in the main Master Plan, many commercial and business establishments were the result of the recent transformations. The planning decisions on infrastructure by a range of institutional actors and wider strategies on the allocation of land uses have played an important part in this transformation, especially in the planning of roads and employment land uses in Bangalore.<sup>118</sup>

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<sup>118</sup> Many authors have demonstrated that the growth of the IT sector in Bangalore is the result of a combination of the emergence of private enterprise and massive state-led industrial promotion (Parthasarathy 2000; Heitzman 2004; Sotarouta and Srinivas 2006). Karnataka State Electronics Corporation (KEONICS) was established by the Government of Karnataka (GoK) in 1976 in order to encourage the electronics industry in the state. In 1977, KEONICS established Electronic City 18 km south of Bangalore on 136 hectares of land to attract export-oriented industries. In 1987, the Department of Electronics of the Government of India (GoI), established one of their initial Software Technology Parks within Electronic City to promote export-oriented offshore software production through significant government support for high-speed connectivity, reliable infrastructure, tax breaks and tariff-free equipment imports (Heitzman, 2004). By the late 1990s with the involvement of KIADB, Electronic City was further expanded by more than 200 hectares which enabled a large number of software companies to operate from inside. Further in the late 1990s a new joint venture between the GoK, GoI, Government of Singapore, and Indian (Tata Group) and Singapore private-sector corporations established the Information Technology Park Limited (ITPL) in east Bangalore on about 22 hectares of land in a place called Whitefield. This project was inaugurated in 2000 (Ibid). These large industrial parks were connected to the city through Koramangala. The 1991 Comprehensive Development Plan (CDP) proposed to widen Hosur Road which connected

The IT boom in that began in Bangalore in the 1990s is widely believed to have triggered the transformation of Koramangala.<sup>119</sup> A lack of required office space resulted in the conversion of residential buildings into workplaces. The IT sector enjoyed a special tax break in Karnataka irrespective of their location. This encouraged a number of small operators to work from within the city rather than only from Electronic City. Koramangala was also an attractive residential location for a large number of employees working in Electronic City and Whitefield.<sup>120</sup> This increased the residential population density in Koramangala after the mid-1990s.<sup>121</sup>

Subsequently, the aggregate consumer demand driven by the high-earning IT professionals that developed in Koramangala triggered demand for retail space. *Forum* shopping mall was inaugurated in 2004 and the properties along the main spine (80 and 100 Feet Road –**Map 6, p173**) and interior roads started transforming rapidly with retail superstores selling consumer durables, food markets, cafe, hotels, gyms and restaurants. A large number of apartments and serviced apartments sprang up in Koramangala during the late 1990s and 2000s. An estate agent who had been working in Koramangala for the last 25 years noted that the average residential land value in Koramangala in 2000 was about 1,400 INR per square foot. This increased to about 10,000 INR in 2007 and in some blocks, especially parts of the third and fourth blocks with large

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Koramangala to Electronic City and to expand the intermediate ring road that linked Koramangala to NH 4 to the east (**Map 6, p172**). Koramangala, as many observers (interviews: various) have noted, became the first point of entry from Electronic City into the city. Therefore, many IT companies who wanted to retain their city offices started operating from Koramangala, alongside small IT companies and many start-ups that provided services and developed products,.

<sup>119</sup> Almost all of my interviewees identified the IT sector as the major trigger for the transformation of Koramangala. For a detailed discussion of IT sector development in Bangalore and related transformations see Balaji (2000), Heitzman (2004), Nair (2005)

<sup>120</sup> Refer to **Map 6**.

<sup>121</sup> The RMP 2015 states that the gross density in Koramangala in 2005 was 254 persons per hectare (pph) compared to Bangalore's gross residential density of 200 pph. The document further states that if one were to deduct large open spaces, roads and large campuses, the net density of Koramangala was more than 500 pph (source). Wards and planning districts were reorganized in Bangalore between 2001 and 2011 which makes it difficult to identify the exact population growth rate in the Koramangala Planning District or even in Koramangala Ward. The reorganized Koramangala ward has a population of 35,354, according to BBMP data. ([www.bbmp.gov.in](http://www.bbmp.gov.in)).

plots, it even reached 14,000 INR (Multiple interviews; see **Appendix 1**, no.50, 51, 52, 53,54).<sup>122</sup>

The urban morphology of Koramangala today is a combination of the initial BDA layout and its subsequent transformations. The BDA layouts are only one of the distinct types that constitute the varied urban morphology of Koramangala. There are urban villages such as Kathalipalya, Mestripalya, Agara and Koramangala Village that were exempted from land acquisition in the 1960s and 1970s because the BDA Act exempted inhabited land and village lands from compulsory acquisition. A large number of people live inside these village settlements and their extensions at present.<sup>123</sup>

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<sup>122</sup> The RMP 2015 declares that it does not have information on the land value for major parts of Koramangala. (BDA 2005- Master Plan draft- vision document). Land value varies according to the plot size as well.

<sup>123</sup> The CITB/BDA designed eight blocks (distinct layouts) and implemented these in different phases in the last 40 years (from 1970s). The blocks are divided into residential plots of standard sizes like 30' X 40', 60' X 40', 80' X 120', 50' X 80' and 60' X 90'. The third block is the most expensive and prestigious among all the other blocks due to the presence of large plots that are favoured by the wealthy. As a number of my interviewees noted, the 13<sup>th</sup> Main Road is locally referred to as the "millionaires' road" because it houses some of the wealthiest people in Bangalore and in India (Multiple Interviews with Koramangala residents). All the other blocks have a range of plot sizes to accommodate a variety of economic categories. For example, the 8<sup>th</sup> and 6<sup>th</sup> blocks have a large number of 30' X 40' and 20' X 30' plots which are popular with the middle- and lower-middle class population. About 50% of the 1<sup>st</sup> Block was zoned as industrial, while most of 2<sup>nd</sup> Block was earmarked for public institutions like colleges and schools. The rest of the blocks had predominantly residential plots, with parks, playgrounds and civic amenities forming the centre of the layouts. In keeping with the *neighbourhood planning* philosophy, the blocks are formed out of a rigorous hierarchy of roads that form a grid network of *main roads* for connectivity and thoroughfare and of *cross internal roads*. A small range of standard road widths and layout patterns are used to define internal and external connectivity. For example, most of the *cross roads* are conceived as internal roads and are usually 30 feet wide, while the *main roads* can vary from 60 to 80 feet wide. A number of plots near the main connector roads were earmarked for public functions like schools, a police station, a post office etc. Standards of the master plan are based on the standards prescribed in the Karnataka Town and Country Planning Act (KTCP) Act 1961 and the BDA Act 1976 with proportionate space for residential, parks and playgrounds and civic amenities and affordable housing. In most parts of Koramangala, BDA layouts are reasonably well implemented with tree-lined sidewalks, roads, drains and a sewage network.

The morphology of a village settlement on the other hand is very distinct. For example, it had its own village lakes and sacred groves. These village settlements were trapped between the BDA layouts without adequate facilities for expansion and became embedded in the local transformations. The village settlements are now an affordable housing option for many informal service sector employees, such as drivers, cooks and gardeners, who support middle class living in the nearby BDA layouts. These areas have narrow roads, insufficient sanitation facilities and inadequate social infrastructure. Even though many lakes still exist, many of them have been reclaimed by the BDA or the Karnataka Housing Board (KHB) for residential and infrastructure development. For example, Koramangala Lake was reclaimed by the KHB to build the National Games Village in 1996 and the Srinivagulu Tank was reclaimed by the BDA for the ST Bed residential Layout. Mestripalya Tank still remains as vacant land, while Agara and Bellandur lakes still continue to function as lakes/tanks. The sacred grove lands have been used for the BDA layouts or have been encroached. The transformation of the

There are also developments built on agricultural lands that many landowner families like that of Rajaram managed to restore or exempt from forced acquisition. These properties were developed into residential layouts, apartments or commercial spaces either by a developer or through a joint venture between a developer and the landowner via a legal facility that allows the landowner to give power of attorney to the developer to build on his/her land. Moreover, the demand for space that descended upon Koramangala due to its increased connectivity and quality of infrastructure since the 1990s has transformed the land uses in the neighbourhood beyond the 1995 CDP's land-use controls (**Map 6, 7 and 8; p173, 174, 175**).<sup>124</sup> The 80 Feet and 100 Feet roads have now become vibrant commercial and employment corridors and there are many large office buildings, apartments, serviced apartments, and commercial establishments on various plots along the corridors, contrary to 1995 CDP land-use zoning. Many plots have been converted from residential and industrial land use to office spaces, gyms, call centres, coffee shops, nursery schools and various other activities. A large number of these conversions were illegal, i.e. did not follow the required planning permission process. Alongside individual landowners, the government has also been transforming Koramangala in ways that deviate from the 1995 CDP land use zoning, for example, the wetlands of Koramangala Lake was changed to housing for National Games Village or the residential layout on Srivagulu Tank Bed. A

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village lands and lakes are discussed in detail in the next chapter, exemplified by the case of Mestripalya Lake , Chapter 6.5.2

<sup>124</sup> The Revised Master Plan (RMP) 2015 for Bangalore notes that: “Today, Koramangala planning district is an established residential area, with high level commercial activity along the main streets, and pockets of IT related services. Other wards have a mixed populations belonging to the middle class and economically weaker sections. Large section of Neelsandra, Ejipura and Adu Godi are developed by the state government into housing quarters which include the police quarters at Austin Town, National Dairy research Institute and [the] National Games village. These areas lack in infrastructure facilities including well connected Roads water supply and electricity. Slums occupy the left over areas between the independent villas and residential quarters of group housing, especially along the drain that passes through Austin Town and goes to Koramangala. Revenue pockets that are landlocked between the unclassified [Army land] and the BDA site developments have developed into apartment housing. With the rise in demand for housing within Koramangala, such developments have been rather quick and under-served. Apart from the high residential activity about 19% of this planning district area is used for large public and semipublic infrastructure that prevail as campus development. Proportionate pockets of industrial areas have contributed to a sizeable small-scale manufacturing and IT business. This planning district is strategically located near the city centre; IT related areas and peripheral city developments” (BDA - RMP 2015, VOL5, p 63).

detailed documentation of illegal and legal conversion is unfeasible and beyond the scope of this research. In the sections below, I discuss the processes that were involved in these transformations through mapping specific projects and practice stories.

### **5.3 Plan violations**

#### **5.3.1 Violations by individual property owners.**

Many current residents in the wider Koramangala neighbourhood are discomforted by these transformations in Koramangala for a variety of reasons and this has made them into local activists.<sup>125</sup> One of my interviewees, Mr Kumar, a resident of Koramangala neighbourhood since the early 1990s, took up local social activism in response to the state of the infrastructure in his neighbourhood and the extensive number of violations that he came across. He calls himself an RTI activist- i.e. he obtains information about projects and processes in his neighbourhood using provisions of the Right to Information Act (RTI) to challenge violations and unimplemented projects.

He shared with me numerous responses that he received from the authorities for his RTI application about the legal status of many developments in his neighbourhood. <sup>126</sup> The information declared either that there were no plans available for the development (which means there was no planning application) or that there had not been any change of land use approved on the property (which means permission had not been given to convert agricultural land use into residential land use). Those land parcels are now commercial buildings, office blocks, service apartments, clinics and so on. He noted,

“Owners of many of these cases don’t live here. So they are not affected by the choking of the service lines, traffic or noise or anything. Only, we are affected. For example, for my house here, 8KW line was sanctioned [granted]. For a commercial development it would be [at least] 30-40 KW. So how is that going to affect the local transformer load? Currently there are more than six transformers in this small area [around his house]”. (Interview with a Local resident and lead activist in

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<sup>125</sup> The various reasons are discussed in detail in chapter 6.

<sup>126</sup> Reference to RTI applications numbers are not provided here to prevent the identity of projects and interviewee.



Koramangala who is also a Right to Information Activist in Bangalore; see **Appendix 1**, no.23)

This state of affairs and the scale of violations became an aspect of public debate when, in 2005, a group of residents from Koramangala filed a Public Interest Litigation in the High Court of Karnataka against the land-use violations in their neighbourhood after their repeated representations to the various authorities were ignored.<sup>127</sup> The petitioners pointed out 87 specific cases of violation in Koramangala as examples to make their point and requested that the court intervene in the matter. Sites of violation included hotels, restaurants, coffee shops, a clinic, nursing homes, IT offices, call centres, retail shops, commercial complexes, a beauty salon, a vehicle repair shop, religious centres, educational institutions, nurseries, day care centres and travel agents. They also cited a number of cases where their objections to the *change of land use* public notifications had been ignored by the authorities while granting permission.

They also highlighted cases of street and pavement encroachments. Pavement encroachments are common in Koramangala, even in posh residential areas and along the high streets. While restaurants and cafes encroach on public streets with kiosks and sometimes with large building extensions, some wealthy residential owners treat the pavements in front of their houses as their front gardens and place ornamental plants and lay lawns and sometimes even cordon off the entire pavement stretch with a chain fence.

Based on this petition, the High Court directed the BBMP to conduct a detailed survey of the neighbourhood and report back to the court.<sup>128</sup> A report was submitted to the court that was jointly prepared by the BBMP and BDA. During the hearing, the BBMP commissioner admitted that all the 87 cases mentioned in the Public Interest Litigation (PIL) were violations.<sup>129</sup> The interim order states that “in some cases the zonal regulations have been violated while in

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<sup>127</sup> W.P 13336 of 2005, in High Court of Karnataka between Vijayan Menon and others against state of Karnataka and others (Menon 2005)

<sup>128</sup> By a two-judge bench vide an interim order dated 23.06.2005. The final report of this survey is missing from the BBMP office; a number of interviewees mentioned it to me.

<sup>129</sup> As mentioned in the Interim Order on 02/09/2005.

others the sanctioned plans have been violated and in some others building setbacks are violations of the rules” (Interim order signed by Chief Justice Menon 2005, p.1). In many cases, it seems that the violators have also obtained retrospective *change of land use* from the BDA after this PIL was filed. So the court directed that all the *change of land use* applications filed before the government after April 1<sup>st</sup>, 2005 to be filed for the following hearing and also ordered the state government to refrain from approving anymore *changes of land use* within Koramangala until further orders (ibid).

I asked a number of senior planners and administrators about how people manage to violate so openly and on such a large scale. Not surprisingly, the accounts given by them were similar (I attribute this to their depth of understanding of this process from decades of practice). One of them told me “It is easy, the engineers will tell you how to go about it” (Multiple interviews with senior planners and administrators in Government; see **Appendix 1**). To paraphrase the commonalities among these accounts, the first task is to start the construction work after *taking care*<sup>130</sup> of the local engineer and the local councilor. Then in many cases the engineer will serve a ‘show cause notice’, as they are supposed to do, asking the property owner to explain to the local authority why they should not demolish the property. This makes it official that the engineer has performed his/her duty as per his/her contract of employment. In most cases things will end there and the owners who are willing to take the risk (of for example a new engineer or a new councilor following this up later) then usually complete the construction. However, those who want additional assurances will go to the court, seeking *a stay* from the demolition. Usually the court will grant the *stay* until the hearing is complete, because people cannot be evicted from their abode on human rights grounds. The court, however, will not stall the construction work. The judicial *stay* will prohibit the demolition, while the property owner will continue with his/her work and complete it in whichever form they want. The legal cell in the BBMP has to work in tandem with other officials in the BBMP and BDA to vacate the judicial stay to go ahead with any action. However, no one will follow this up

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<sup>130</sup> bribing

later. Moreover, there is enough interest within the authority not to follow this up given that the engineers, the local politicians and other officials have been taken care of. So the project gets built and the owner may let it out, live there or sell it and move on. After the building is sold to someone else, then, even if the *stay* is vacated, the original owner would have moved on. It was pointed out to me that the number of such cases is very large and that any legal action at any time is almost impossible. When I made an RTI application to the high court requesting the number of cases that came before the High Court on violations since 2000, I received the reply that the number was too high and that there were not enough resources in the court to produce an account for me.

In the case of those developments that do not resort to the protection of the stay order from the court, many forms of local negotiations prevent them from demolition. Mr Kumar, for example, narrated to me the story of one such a large commercial building in his neighbourhood.

“Let me tell you the [name of the development removed] story itself. Earlier this was under Jakkasandra Grampanchayat [village government] – they got their plan sanction [permission] through the Panchayat, even though it was a BMP area. The owner bribed the corporator [councillor] to keep quiet. Even if we complain, the official has to take action, [but] the elected representative will ask the official to keep quiet. Both of them will benefit out of it. While constructing, [the owner] told us that he was building an apartment complex. He knew we might create trouble for him [if he told us the truth]. Then he built the commercial development. He had also installed a cooling tower, which was [not only] spraying the coolant in the neighbourhood [but also] making a lot of noise. We complained, but nothing happened. We also showed this to the [title of the very high political authority figure]. However, by then they repaired the coolant problem. But the building is clearly one floor more than the sanctioned plan. The [higher political authority figure] came here for inspection- he asked his officers if all of it was regular [legal]. Then he asked if the right tax have [sic] been collected. So he asked for the file. [That was the end of it.] [Later,] we heard in the evening that they came to some agreement. Initially the [higher political authority figure] was like- *how can all this happen- shut this, shut that* and so on; but then things got resorted well for them. Otherwise they should have demolished one floor” (Interview- Local resident and lead activist in Koramangala; see **Appendix 1**, no.23)

Parallel governance systems established by the network of politicians, land owners, developers and officials as seen above is so strong that it not only protects the violations that are established through them, but is also the mode of governance through which planning permission process is practiced. Even the planning permission process of an entirely legal development in Bangalore involves incentivizing the actors in the planning network – in particular the officials and local power brokers such as the councilor, local politicians and the local engineer - as one of my interviewees put it - “to stop stopping the project” (Interview, property developer, August 2010, see **Appendix 1**, no.51). A friend who runs a property development company in Bangalore told me that the last time (in 2010) when s/he made an enquiry at the BBMP, the going rate was 50 INR per square feet for a normal and legal building sanction, i.e. about 5% of the total building cost. S/he suggested that of this, less than a third is the actual processing fee; the rest will be a bribe for the engineers to process the application in the normal time. Many developers I spoke to claimed that without this incentive the cost of the project would increase due to the inevitable delay in the planning permission process. They note that a file does not move from one table to another automatically, it needs to be moved by human beings, and this incentive is the oil that lubricates the machine.

There are specific rates (bribe) for different land uses and categories of building types. For residential buildings, the incentives are based on the number of kitchen in the scheme. For example, my friend tells me that for many parts of Bangalore, the rate for a normal, single family residential unit have come to about 35 INR per square feet. The rates include bribes to approve even a legal plan in the normal and legal time frame. Further, due to the multiple clearances required, incentives need to be given to almost all agencies: land revenue, BBMP, BDA, BWSSB, Fire Authority, Airport Authority and so on depending on the kinds of agencies that a particular project has to interact with (Multiple interviews: architects, planning agents and real estate agents; see **Appendix 1**).

However, in the case of violations it was pointed out to me that there is no fixed price; instead it is entirely based on negotiation at different stages with a wide

range of actors - the middle-men, local engineers, politicians and administrators. In most cases employing a well-connected and experienced middle-man would ensure that the client would have an easy process of negotiation and plan sanction in the normal timeframe. This governance network is so powerful that officials interested in opting out of this network cannot easily take enforcement action. One very senior civil servant in BBMP notes,

“In a neighbourhood if two or three buildings violate then usually everyone builds whatever they want to build. If an officer goes there to ask why they have constructed violating the norms, they will be pointed to the neighbouring buildings and would be asked why was that allowed? The local politicians will argue that you didn't stop that because it was your political boss's friend- isn't it? So the engineers take whatever they get and come back. They don't want to irritate the local politician, because they will challenge the engineers to demolish that [the neighbouring building] first. It is really difficult” (Interview-Very Senior Administrator: BBMP; see **Appendix 1**, no.101).

Not all kinds of plan violations are always enabled through micro-negotiations with street level bureaucracy and local politicians alone. Blatant violation of planning laws and legal processes are employed by this planning network that implicates the entire institutional apparatus. The following discussion on large development layouts attempts to describe that.

### **5.3.2 Private layouts**

Such mutual benefit associational networks formed among government and non-government actors for private benefit are exemplified in the case of illegal layouts and large projects. Many different types of illegal layouts can be found in Bangalore. A legal layout is that which follows all the clauses in the Land Revenue Act, the KTPC Act, BDA Act and Master plan stipulations discussed in Chapter 4. Any development that violates any one of these clauses can be termed an illegal layout. Many types of illegal layouts in Bangalore violate all or some of these criteria. In the case of agricultural land parcels, some developments are built neither with a *conversion approval* nor a *layout approval*; some others obtain conversion approval but then refrain from applying for a layout approval. Similarly there are layouts that neither obtains a

*change of land use* nor a layout approval, while some others would obtain a *change of land use* approval, but then would forego layout approval. Some would obtain all these approvals but would build in *complete violation* of the approved plans and would refrain *from transferring the land* for amenities and open spaces to the BDA ownership. A large number of properties within the Master Plan limit of Bangalore belong to illegal layouts. In a 2006 newspaper article, one of the serving planners from BDA wrote that the spatial-data infrastructure prepared as part of the RMP 2005 indicates that more than 300Sq Kms of built scape within the Master Plan boundary is unauthorized development.<sup>131</sup> In the following two subsections I discuss the case of two types of private layouts.

### **5.3.2.1 Edwardian Estates**

Let's take the case of a large upper middle class apartment complex in Koramangala along the Sarjapur Road named *Edwardian Estates (EE)*.<sup>132</sup> EE is currently one among the many expensive upper middle class residential properties in Bangalore. In September 2012, a 1800 square feet three bedroom property is offered for sale at 12,000,000 INR<sup>133</sup>, at a rate of about 6500 INR per square foot. Property advertisement websites about EE proclaim that

“Edwardian Estates is a residential address that delights. The posh, upmarket neighbourhood of Koramangala 3<sup>rd</sup> block provides the setting. The apartments speak opulent detailing [sic], spaciousness and comfort. In fact, EE is unequalled in its exclusivity”. (Source: a popular Bangalore real estate property website, source not identified)

Advertisements of this three-acre residential complex boast of high-end amenities such as a club house with card room, table tennis room, beautiful landscaped garden, advanced security system, continuous lift services powered by onsite generators, decorative main gates, round the clock water supply with underground storage tank and bore wells, health club, swimming pool, gym, children's play area, intercom facility, and well laid out internal roads. Initially the site plan of this three-acre development proposed three residential blocks

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<sup>131</sup> V M Hegde ‘The eternally expanding city -The Hindu, Jan 6 2012. [www.hindu.com](http://www.hindu.com), last accessed 4/9/2012. The author presents a drawing to argue his point.

<sup>132</sup> Name changed.

<sup>133</sup> Approximately 250,000 USD

of varying heights, between 8-10 stories, housing more than 150 residential apartments and supporting amenities.<sup>134</sup> Architecturally, it is best described as an eclectic, post-modern kitsch providing the much sought after *distinction* for the upwardly mobile middle class in urban India that Bhatia (1994) aptly described as *Punjabi Baroque* about two decades ago. During the time of my fieldwork in 2010, two blocks with more than 100 apartments were completed and occupied, while the third building was under construction. I had to go through a manned security gate to meet a resident owner, Dr Raj who was one of my interviewees.<sup>135</sup>

EE is built on a land that was originally earmarked for a light industrial land-use zone in the 1991 CDP. The well-known developer group of EE entered into a joint venture agreement with the original landowners in the early 1990s based on a General Power of Attorney (GPA). GPA is one of the usual joint venture methods through which developers enter into agreement with landowners to develop the land in lieu for a share of the development that compensates for the land value. Later, the developers applied to the BDA to change the land-use classification from industrial to residential which enabled them to build apartments on the land. Based on the provisions in the KTCP Act, the BDA on behalf of the GoK approved this request by issuing a commencement certificate dated 14/09/1994.<sup>136</sup> This *change of land use* to residential from industrial however was based on the condition that “the development plan [the layout design] of the intended group housing residential scheme has to be approved by the authority” (source: see footnote 24).

However, the developers of EE started marketing the scheme based on a master plan that promised three large blocks of residential buildings with open spaces and amenities without obtaining any layout approval from the BDA. Dr Raj tells me,

“When we booked the flat in 1999 we were showed [sic] basic project Brochure with three blocks, and landscapes and tennis courts and so on, with two entries [sic] into the building complex and we entered into an

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<sup>134</sup> I saw the brochure during an interview with a resident and an apartment owner in the development.

<sup>135</sup> Name changed

<sup>136</sup> Bangalore Development Authority letter no BDA/NAYOSA/UNI/PU/1725/94-95 issued to the developer

agreement in 2001 that said that we will also have a share of the undivided land” (interview, August 2010, see **Appendix 1**, no.17).

The first block was completed and handed over to the residents in 2004 and the subsequently the second one also was completed and handed over to the buyers, however, without obtaining any layout approval from the BDA (thus making the project an illegal layout). In spite of this, the BBMP issued planning permission for the first phase of the project in 2001 by violating the planning law.<sup>137</sup> Furthermore in 2004, the BBMP issued an Occupation Certificate for more than seventy completed apartments in the development after regularizing the deviations, which the BBMP noted was less than 5% of the total floor area. Even though it was in violation, the building had also obtained water, sewerage and electricity connections from the respective departments that enabled the residents to occupy their apartments.

Dr Raj notes that when he purchased the property he did not know about the illegal status of the project. The only vague hint that he can remember now in hindsight was that when he initially approached his regular Bank – Bank of Baroda - the bank was not very keen to offer him a mortgage for an apartment inside this scheme. However, when he mentioned this to the developer, the developer’s group arranged him to speak to another Bank (ICICI bank) which very willingly approved his mortgage application. Dr Raj argues that, the residents knew about the complexities of the project only when they investigated a rumour that commercial units were to be built in the complex. Worried at the impact that this could have on their rights to undivided share of land and the amenities, Dr Raj along with a couple of other residents in the complex approached the authorities for the details. Dr Raj notes,

“One fine day, the developer’s engineers covered the portion in front with temporary walls and put up a notice saying that they are covering the area for the safety of our children, because they were prefabricating some building elements on that site. But then we heard that some commercial complex is going to come up here, on our land. So we wrote to the BBMP and BDA in October 2005 itself. None of them replied” (interview, August 2010, see **Appendix 1**, no.17)

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<sup>137</sup> Source-copy of the occupation letter issued to the developer by the BBMP for specific apartments in the development (reference- BDA letter no.LP.24/99-2000)



However, when they replied much later in 2006, they found out that,

“The developer had sub-divided the land, didn’t intend to build the third block, and started building a commercial complex in its place and where the park was supposed to be. I filed an RTI petition to the revenue officer for the Katha of the whole property. Files from the revenue department shows that the plot has been subdivided, however, without BDA permission, in violation of the 17A of the KTCP Act” (ibid)

In September 2005, before even completing all the residential buildings that were promised in the marketing brochure, the developers subdivided the land where the third block was originally supposed to be. The developers neither took permission from the BDA nor informed the residents about the change to the project. Furthermore, the developers obtained planning permission from the BBMP to build a five-storied commercial complex on this portion of the land that fronts the Sarjapur Road. However, the BBMP did not have the required authority either to approve a plan for a commercial building on land designated as residential or to grant the land subdivision. Section 17A of the KTCP Act 1961 vests such authority with the BDA. According to the copy of the planning application for the commercial building submitted by the developer to the BBMP (obtained by my interviewee through the RTI Act), it was evident that the developer had not mentioned anything about the residential development behind. The drawing clearly masks many details about the context. For example, the vehicular entry for the proposed commercial building is the original exit and entry for the residential buildings, where the drinking water sump for the residential blocks is located. The developer even obtained clearance from other departments such as BESCO. When Dr Raj and the other residents petitioned the BDA and BBMP about the situation, they received contrary information from these agencies. While, the BBMP held that the building is legal, the BDA maintained that the project had not completed its land-use change clearance. It was then that the residents realized that development could be illegal.

At a hearing in front of the State Information Commissioner about this contradiction in plan approvals, the BBMP Planner who had approved the plans in the first place, claimed that, based on a circular issued in 1996 by the BBMP

commissioner, the BBMP have the right to permit commercial buildings in a light industrial zone.<sup>138</sup> The Information Commissioner, after careful consideration of the KTCP Act, KMC Act, and BDA Act, however, ruled that the circular that the BBMP planner had mentioned only authorizes the BBMP to permit ancillary activities to support industrial workers and that it clearly does not include commercial buildings. The commissioner ruled that “the circular is misconceived and not in accordance with either the letter or the spirit of both the KTCP Act and the byelaws of BBMP”, and declared that the BBMP has violated the planning law.<sup>139</sup> After this order, the residents appealed to the BBMP to cancel the planning approval for the commercial building but the BBMP took no further action. On December 2006, Dr Raj filed a petition at the High Court of Karnataka in which he argued that the proposed commercial development was a violation of his rights as a resident in the development and that the plan and the license were illegally issued and granted without jurisdiction, ignoring the statutory provisions.<sup>140</sup>

During the course of the hearing in August 2008, the developer decided to withdraw from litigation and hastily submitted an affidavit in the court declaring that he would not pursue the commercial complex project. Dr Raj argues that this sudden withdrawal was perhaps instigated by the High Court direction to implead the planner who originally approved the plan as a party to the case. Since this sort of action can be very damaging to a planner’s career, Dr Raj thought that the planner might have persuaded the developers to withdraw from the litigation. Subsequently, this affidavit put the litigation to rest, primarily because Dr Raj went to court to stop the construction of the commercial building. However, the illegal status of the building remained unchanged and unquestioned by anyone at the time my fieldwork in Bangalore ended in September 2010. After stopping the construction of the commercial building, Dr Raj was unclear abouts the implication of initiating a new Public Interest Litigation on the illegal status of the building given that hundreds of

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<sup>138</sup> BBMP letter No.JDTP.Tech:405:96-97 dated 16.12.1996

<sup>139</sup> Order issued by the Karnataka Information Commission, no.KIC358 COM2006.

<sup>140</sup> Petition no 8396/2006 - High Court of Karnataka.

resident owners had also now become indirectly involved in this complex situation.

Dr Raj tells me that when all of this was going on, he obtained a copy of another planning application which had been submitted to the BBMP for a ten-storied commercial building on the same plot (where the commercial building was to be built) of land. This application, filed in 2010, however, was in the name of another company, which seems to have entered into a joint venture with an employee of the original developer. This employee seems to have been the GPA holder for this land at the time of the new planning application. Dr Raj was aghast at the fact that the developer signed an affidavit to the court in 2009 that he is the competent authority for this plot of land and then later transferred his GPA to his employee who in turn applied for a planning permission in 2010. Mr Raj remarks,

“See how much they can make a Jilebi<sup>141</sup> out of the situation. When we were writing these letters to the developer and authorities, we also used to forward it [sic] to the original landowner with whom the developers entered into an agreement at the beginning. The original landowners of the property told us that they had withdrawn the power of attorney many years back and that there is already a court case on that from 1998.<sup>142</sup> This is on-going, and the court had asked the developers not to alienate the property from the original owner till the hearing is [sic] complete. Then we realized that all of us are now squatting on [someone else’s] property”.<sup>143</sup> (Interview, August 2010, see **Appendix 1**, no.17)

Even though the developers maintained that legally they did not in any way breach an agreement with Dr Raj in their reply to the legal notice issued by Dr Raj’s lawyer, he was informally offered the opportunity to be rehoused in one of their newer and more valuable properties, in return for withdrawing the litigation. He politely declined the offer. Dr Raj told me,

“You know, when we were filing the legal notices- the chief engineer – or marketing executive- will call me and say, ‘*Sir, the new Master plan is coming- it is being printed- in it everything commercial can be built here.*’ This was after our legal notice. He said ‘*neighbouring property is going to be commercial, what will you do then?*’ Finally he said, ‘*I am only an employee...but we don’t want our Doctor to be unhappy- so we will find*

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<sup>141</sup> An Indian sweet with a very complicated form made of intertwining noodles.

<sup>142</sup> I couldn’t verify this fact due to time constraint.

<sup>143</sup> Name removed

*another place for you in our project as you want. And we will give very good value for your property.' I said, no – 'Mr Ramanna - Let me tell you – money is only for what it does- otherwise it is just paper- I have spent a lot of time and energy for this- I am not going to negotiate'" (ibid).*

Even though the preliminary draft of the new Master Plan was *only being printed* the developers had already started their construction, probably with the knowledge that the Sarjapur road was going to be a mutation corridor and that this proposal of the Master plan 2005-2015 would be approved by the government. The irony is that the planning permission for the commercial complex was issued by the BBMP much before the RMP 2015 was approved by the GoK in 2007.

The many levels of violation in the case of EE are very obvious: violation of the land-use plan, of the planning law and the planning process and so on. A wide range of actors were involved in making this illegal project a reality in which hundreds of property owners have become stake holders leading to a very complicated situation. It is not just an unscrupulous developer who deceived the buyers. The planner in the BBMP issued planning permission interpreting a circular in a way that was clearly a violation of the KTCP Act. Further planning permission on the site was approved for a commercial building on an application that masked the details of the site and the respective banks approved mortgages to the property buyers after due diligence. Companies like the BWSSB, BESCO provided utility connections and many property owners were able to purchase and register their property. Unlike Dr Raj and his small group, not many of the residents actually bothered to challenge the legality of the project. Everyone in this network seems to have benefitted from the deal. Such a tacit consensus was blatant and on a very high scale when I researched the private layouts on agricultural land, locally termed as *revenue layouts*.

### 5.3.2.2 Revenue layouts

Revenue layouts are the developments on agricultural land parcels within the Master Plan boundary that have not obtained permission for non-agricultural use from the Revenue Department and the BDA.<sup>144</sup> A large number of housing layouts in Bangalore including very prestigious high end residential layouts, middle class residential areas and public sector employee cooperative housing belong to the category of the revenue layouts. For example, one specific high-end 100-acre residential layout in South East Bangalore did not obtain all required clearances before it was built and the initial process of sale. This layout accommodates 600 villas and has palm tree-lined pavements and high-end infrastructure and amenities; a four-bedroom villa of 4250 square feet was advertised for sale at 80,000,000 INR in 2012.<sup>145</sup> One of my interviewees, a lawyer who carried out due diligence for one of his clients to purchase a property within this layout told me how surprised she was when she discovered that this development did not have all the required permissions (interview- Lawyer activist, see **Appendix 1**, no.32). Similarly, Ejipura, one of the main wards in Koramangala of middle class as well as lower middle class residential areas is dominated by revenue layouts. This is the case with extensions of the Koramangala, Kathalipalaya, and Mestripalya villages (**Map 6 p 173**). A local engineer noted that revenue layouts can also be found within the broader boundary of the BDA blocks: for example, 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> Block and ST Bed layout (interview, local engineer, August 2010; see Appendix 1, no.79). These are developments built on land parcels within the BDA layouts which were village sites or those that the BDA had not acquired or have been de-notified during the acquisition process.<sup>146</sup>

In 2008, while disposing of a writ petition on an illegal layout, the High Court of Karnataka directed the GoK to hold an enquiry into the formation of unauthorized layouts in Bangalore and submit a detailed report to the court within seven months (Reddy 2008). Subsequently, a task force was set up at the level of the Karnataka State Urban Development Department to document the

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<sup>144</sup> Previously discussed in Chapter 4.5

<sup>145</sup> Approximately 1.6m USD

<sup>146</sup> As Rajaram mentioned in Section 5.2

illegal layouts. Even though there was no specific documentation available from which illegal layouts could be identified, the task force within the time available identified 127 illegal layouts within the Bangalore Master Plan boundary.<sup>147</sup> These layouts ranged from a couple of acres to hundreds of acres. For example, the Bangalore Electronics Limited Employees House building Cooperative society (BEL HBCS number 27 in the BDA's the list) is about 108 acres and Karnataka State Judicial Employees House Building Society layout is 193 acres in area. Hundreds of housing and various other forms of land uses have been built in this manner all across Bangalore. Even though some of these are vacant to enable land speculation, most of these developments have been occupied for a very long time, with roads, infrastructure and services connections. The list, not surprisingly, included a wide range of actors including many public sector employees' cooperative housing, Karnataka Legislators (elected MLA) society<sup>148</sup>, small and large developers, individuals and even an Ex-Mayor of the BBMP.<sup>149</sup> The UDD directed the BDA, BBMP, and various other TMC, CMC and Village Panchayats to take stock of the situation and report to the government. One of my interviewees, a high-ranking bureaucrat who was closely involved in this process in the UDD told me,

“When the UDD sent notices and letters to the local authorities, only the BDA cooperated. The CMCs, TMCs were not even replying to our letter. So we decided to send some task force in search of illegal layouts. BDA took stock of their limits and reported to us a list of 127 illegal layouts. BDA served action notices to 63 out of this 127, but to no response. The BDA tells us that when they serve notice, many times there is no addressee. The builder says that he had sold everything to people [sic]. People say that they don't know anything about it, since they have just brought [sic] the property and are now living in it”. (Interview, Very Senior Administrator, UDD, GoK, August 2010; see **Appendix 1**, no.99)

Revenue layouts are not only illegal from the perspective of land-use change, but also from the perspective of land ownership.<sup>150</sup> Before selling agricultural

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<sup>147</sup> List obtained from UDD by the author, not reproduced here due to the volume.

<sup>148</sup> Residents collective

<sup>149</sup> Life Insurance Corporation of India, Bharat Electronics Limited, Maruti Automotive, Judicial Cooperatives, Syndicate Bank Employees society, Karnataka Legislators society, Karnataka Ministry of Communication society, Central Excise housing.

<sup>150</sup> Section 79-A of the Karnataka Land Reforms Act 1961 stipulates that agricultural land in Karnataka cannot be purchased by a non-agriculturist. An agriculturist is someone whose primary

land to a developer, the agriculturist has to obtain a conversion of land use in order to enable a legal purchase. So how are these layouts formed? An estate agent tells me,

“These developers buy the farmland sometimes even for a higher price and build whatever they want. They leave only small ten feet for roads. There will be no drains or open spaces. They manage to sell about 80% of the layout. There is a market for this because these properties are cheaper, sometimes 30% or even 50% [cheaper] than the legal properties. Look at the math- if you are doing an acre of land (43560 square feet) in a recognized layout, you will get 25,000 square feet. In an unrecognized layout, you get 36,000 square feet. They take care of the officials and the politicians”. (Interview, Real Estate consultant, August 2010; see **Appendix 1**, no.54)

In almost all cases, people buy these knowing that the property does not have the required clearances. The process that makes these properties legal or semi legal for transaction is very complicated to describe here in its entirety. However, to simplify the point, the respective officials from local authorities like BBMP, TMCs, CMCs, or Village Panchayat issues layout and building permission even when they lack authority in these matters. As one of the Koramangala politicians told me,

“Mestripalya extension is a revenue pocket. It was formed around 1988-90. Village Panchayat gave permission to build in [sic] agricultural land. Village Panchayat secretary signed the documents. BDA gave a land acquisition notification soon after, but before the procedures could take hold; the people built it and finished the project in record time, so that BDA couldn't do any action. Demolition is not easy once people build”. (Interview, Local politician, Koramangala, August 2010; **Appendix 1**, no.124)

Many people during the interviews told me that this was and is a very lucrative business for the government employees, right from the office peon to the Panchayat Secretary and Chairman. Usually the developer and their middlemen sort things out for a buyer. After the purchase, a buyer goes to the revenue sub-registrar and registers their property and obtains a provisional *property identity number* based on the *village survey numbers* and sometimes even pays the required property tax to claim legal status in the case of any litigation or to

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source of family income from non-agricultural means does not exceed 2 lakhs (USD 4000) per annum- (Section 79- GoK 1962).

legitimize the property for market transaction. Once the property has a tax receipt and a provisional number, the officials and engineers from the water and electricity providers give service connections. Providing water and electricity connections are a local business in itself for the engineers, so there is no incentive for them not to provide connections. Moreover, politicians also play a significant role in bringing services to these properties. Around election time, a BBMP councillor, MLA or MP plays an instrumental role in bringing services to these properties, service which mainly include road tarring, water and electricity. Furthermore, according to a government circular, water and electricity are fundamental rights and people cannot be denied them (Multiple interviews).

During the initial sale, a large number of these layouts - except the very prestigious ones - won't even have wide enough tarred roads and legal connections to drains, sewage or water network. In Bangalore, one can identify the lower middle class revenue layout areas easily: usually the roads are narrow and are just stabilized with rammed earth. These roads are not public transport friendly because there is not enough road width. I stayed in one such revenue layout during my fieldwork in Bangalore, where the main road was crowded with all forms of vehicles. Since many layouts don't even bother to bring in BWSSB connections, the residents in these layouts draw water from individual deep bore wells and drain their waste on to the main street drain network. A large number of these properties were not even paying property tax regularly because they did not have a proper *Katha* number.<sup>151</sup> A previous Commissioner of the BBMP reflected on the situation during an interview with me: "There are 2,200,000 dwellings in Bangalore (BBMP) - and in assessment only 800,000 people have paid property tax. With this kind of a city what do you expect?" (Interview, retired senior administrator of BBMP, August 2010; Appendix 1, no.97) To address this situation, in 2010 the BBMP introduced a different coloured tax form (named as B-Katha) for property tax collection from the illegal layouts.

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<sup>151</sup> Property ID number



This is a business in itself. The government officials and politicians have very little incentive to change the nature of the process. One civil servant remarked to me when discussing the violations and public land encroachments, that the BBMP has even provided Katha for properties that are an encroachment of government land; she remarked, “Is there anything more ridiculous than that?” (Interview of a senior civil servant, GoK, August 2010; **Appendix 1**, no.75) The various actors in this network include farmland owners, local politicians, developers, administrative officials, planners, engineers and property buyers. What is striking in this business, is that everyone involved benefits from the mutual support in this network: the landowner sells his/her land for a higher rate than normal (Normal means -if the land is developed based on floor area regulations of the Master Plan); the Engineer and the councilor and planners who are part of the regulating, surveying and service-providing apparatus get their share; the developer gains more land to sell; and the buyers get cheaper properties. An estate agent who had obtained a number of land-use conversion for his clients told me that the,

“Cost of getting the conversion could be anything from 25 lakhs to 50 lakhs per acre, i.e., about 1% of the value of land per acre. This is if you are politically connected, otherwise this rate could go up. For example, in the DC Revenue’s office you will have to *see* [emphasis mine] a number of people. This could include right from the DC Revenue, Thasildhar<sup>152</sup>, Revenue Officer, and Revenue Inspector to the Caseworker. However, if a top politician is involved then these actors will act as order-taking people. The top politician will tell you to give everyone some money. That’s all. Most money in that case will go to the top politician. That’s a top down approach one can take. Otherwise you go through a tout and this involves negotiation. The rates could go from 1 Crore<sup>153</sup> per acre to 25 lakhs per acre. Most touts operate with the link to politicians. So there is some cut going there anyway”. (Interview, Real Estate Agent, **Appendix 1**, no.54)

Many such property developers and agents note that the rates are even linked to the rate of inflation in the economy.

Violations are pervasive and blatant in Bangalore. Speaking about the blatancy of violations, an NGO activist notes,

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<sup>152</sup> Head Revenue Officer

<sup>153</sup> Approx.USD 200,000

“After the [plan] approval, some fellow will take it up and run a bottling unit, or a mutton shop or a milk distribution unit etc., for which they have to seek a health licence. The health department of the BBMP know that some commercial [activity] is going on- they won’t do anything. They will issue the trading licence. Then comes the property tax assessor from the revenue department of the BBMP- he will also say- okay you are running commercial enterprise- You just give me the commercial tax – in a residential zone. None of these guys – the engineering department which sanctions the plan, the health department which issues the trading license, the revenue department which takes the revenue-property tax value - none of them are questioning how can you violate the land use? That’s how blatant these violations are. That’s how the violations begin”. (Interview, NGO activist; **Appendix 1**, no.34)

Such tacit as well as active co-operation from the wide range of actors involved in the land use control process emerges also from the fact that there are a sufficient number of buyers for such properties. A high-ranking senior administrator observes there is a specific consumer demand for this kind of property because it is cheaper than legal and regular properties. Sometimes even MLAs will buy property in such developments, which usually improves consumer confidence in the scheme (Interview, Senior Administrator, BBMP; **Appendix 1**, no.72). An estate agent noted that “people have confidence about these schemes when they purchase property, otherwise how can an average middle class [person] invest their biggest investment in illegal buildings? They are confident that nothing will happen”. (Interview, Property Consultant, **Appendix 1**, no.54) As another estate agent puts it,

“There is no risk in violation. Only thing is that there is a cost that has to be borne. One cannot now easily take action against violation in Bangalore. It’s past that point. You can’t take action against 5 million people. Everyone is part of it” (interview, developer; August 2010, **Appendix 1**, no.54).

I asked a politician what makes violations so pervasive in Bangalore. He told me,

“Bangalore has 198 wards now out of which 121 are inside the main city, where you need to spend at least 2-3 Crores<sup>154</sup> to win a local councillor election. How do you make this? Only through black money and corruption” (Interview of a Senior Politician, Bangalore, July 2010; **Appendix 1**, no.124)

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<sup>154</sup> Approx. 4 to 600,000 USD

In other words violations are integrally connected to the local economy. It seems to provide business for the developers and banks, cheaper assets for the resident owners and revenue for the officers and politicians. It seems to be personally benefitting a large number of actors. In the case of plan violations discussed above, it can be seen that this is enabled through the operation of a parallel governance mechanism involving a network of middle-men, politicians, engineers and planners, developers and resident owners that appropriate the official process architecture of planning bureaucracy and administration to suit their interests. In the next section I shall discuss how violations are sustained and how this is connected to the planning process itself.

#### **5.4 Planning for violation**

I argue that *Plan violations* are sustained in Bangalore through what I would refer to as *Planning for violations* i.e., developing planning frameworks that are specifically designed to incorporate plan violations. I argue that plan violations and planning for violation are two sides of the same coin and are integral to the practice of planning in Bangalore.

I will demonstrate this using the analysis of three specific cases,

1. Section 14-A Change of land use
2. Master Plan 2015
3. Regularization act

I wish to argue here that the plan violations and planning for violations are processes that support each other. Specifically, I will propose that while the land-use zoning as a planning instrument categorizes land uses and establishes a framework of legality, the three processes that I shall discuss blur that legality through generating exemptions. In other words, planning for violations are legal practices of planning that are exemptions to the planning itself. I argue that this encourages us to move beyond the binary construction of the plan and its violation and examine violations and planning as integrated in practice in the case of Bangalore.

#### 5.4.1 Section 14-A Change of Land use <sup>155</sup>

When I asked many planners in the state government why 14-A was introduced in 1991 they noted that some land parcels could be erroneously represented in the survey document due to the error of the survey equipment or oversight and that the 14-A clause was intended to enable a legal framework to change the land-use classification that had been arrived at based on erroneous cartography. For example, if a land parcel earmarked as residential in the land-use plan has a steeper slope or a geological condition not suited for residential, it would invariably restrict the owner (public or private) of the land to exercise development rights. It was argued that Exemption Clauses were introduced for such exceptional situations. The presence of a clause does not necessarily dilute the ability to control land use, because it is in the discretion of the competent authority to *practice* in ways that would suit the spirit of the KTCP Act and the planning system. Moreover, even though the reason to exercise exemption varies from cartographic errors to issues in implementation, the purpose of a change as articulated in the Act is that *it is in the public interest*.

However, I argue in the following paragraphs that that the way this clause was deployed in practice demonstrates that it was neither used for exceptional situations nor exclusively for any public interest criteria. Data collated by me from the BDA shows that between 01-01-2000 and 31-12-2006, BDA allowed land-use change for 925 applications on a range of land parcels ranging from tens of acres to a couple of thousands of square feet and a majority of it was residential and commercial. Among this data set, there are about 100 applications for the land parcels in Koramangala neighbourhood alone. Applicants included institutional actors like BDA, other public sector enterprises, individuals and private developers. Furthermore, from the data collated from the BDA records, from September 2006 to September 2010 close to 650 applications were approved by the BDA, again with land area ranging from many acres to a couple of thousands square feet.. On a simple calculation the rough frequency of *change of land-use* approval is *two approvals for every three working days* of the BDA in the past ten years. The sheer number of

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<sup>155</sup> See also previous discussion in Chapter 4.5.3.

applications and its consistency proves that this is a very popular method of land-use planning in Bangalore, compared to the regulatory method as used in the land-use plan.

My interviewees say that even though the BDA is the ultimate authority on approval of change of land use,<sup>156</sup> without exercising adequate discretion at the scrutiny stage, almost all applications are forwarded to the government for approval. So, rather than to achieve any public interest outcomes, 14-A is deployed indiscriminately to support private interests. This is also evident from the logic used in some of the approval letters. For example, one of the letters of approval states that,

“In the said site, construction of commercial building has already commenced, and presently the work is stopped. This service road appears to be a residential area. But, in the opposite side commercial activities have come up. Hence the proposal for change of land use.... has been recommended to the government.”<sup>157</sup> (Kumar, PIL query in Appendix of the W.P)

While this was a case of retrospective application after a violation, the logic of *transforming context*, as a reason for approval is very clear in the case of another approval letter as well.

“Both sides of [name of road] consist of commercial buildings causing huge traffic. This road has already lost the appearance of residential area. Hence, the proposal for change of land use of the [address]... is approved” (ibid).

Both the letters of approval quoted above and the many advertisements that notify the proposed change of land use to invite objections from the public, do not present any analysis of impacts; even an examination of the legality of the land-use transformation of the broader context is absent. So a residential land parcel next to a series of illegal commercial buildings can get approval for change of land-use based on the fact that the neighbourhood is turning into commercial (even if it is through violations). So the *change of land use* process

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<sup>156</sup> Also see the high court order on U.Nityananda versus Member Sec Town Planning Authority Udipi and others, 1997; Karnataka Law Journal, 249A DB – discussed in the Case Law (Puliani p.39-2009)

<sup>157</sup> Identity of the land details and exact address in the original have been omitted from this quote.

can itself become a catalyst for land-use change in any neighbourhood.

What is proved in the statistics and in the logic provided in the approval letters - i.e. active use of section 14-A to further private interest rather than public interest - is also supported by my research on the way in which Section 14-A approval is practiced. One of my interviewees, a Public Interest Litigant currently appealing in the High Court against the indiscriminate application of Section 14-A, notes that the authorities normally advertise/notify only in some obscure newspaper to guarantee minimum public attention. This has been validated in the PIL document by presenting the adverts in newspapers that have very low circulation in relevant neighbourhoods. Further, he argues that even if objections are raised, it is unlikely that the objector would receive a hearing or any favourable response from the BDA (interview, Planning activist, **Appendix 1**, no.7). The active involvement of the officials in this process is further substantiated by my interviewee drawing from his experience of raising objections. I was told by an activist that sometimes objections from the general public are even used by the administrators to increase their stakes to approve the scheme because that would enable them to negotiate more with the applicant (ibid).<sup>158</sup>

The logic presented in the approval letters quoted above reveals that there is neither any public interest justification nor an analysis of the contextual impacts. Any land parcel could be converted from any land use to any other land use in Bangalore if approached through the *right channel*. This was quite obvious when I asked a well-known developer in Bangalore with a reputation for converting wetlands into developable land if the land-use planning system and the zoning regime present any obstacle for his business. He looked at me for a moment before answering - probably due to the silliness of my question - and told me that it does not pose any difficulty because they can usually get the land category use changed with ease (interview: developer, July 2010, **Appendix 1**, no.56).

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<sup>158</sup> This claim was difficult to validate during the research process.

While the practice of Section 14-A transforms the land-use distribution and complicates the understanding of violations as merely a deviation from a plan document, instances from the present Master Plan process challenges that conceptualization further.

#### **5.4.2 Master plan 2015 process**

While Section 14-A enabled a statutory framework for exemptions from any adopted Master plan land-use regulations, the Master plan 2015 process was marked by a flexible approach towards land-use zoning itself. There are at least three ways in which the RMP 2015 process can be understood as *planning for violations*. The first one can be identified in RMP 2015's adopted *mixed use policy*, that legalized the land-use deviations from the 1991 CDP. The second and third can be identified in the many informal unofficial processes that enabled enough access to many developers and land owners to exercise their wish during the preparation of the plan itself, even saving the trouble of going through the 14-A route. These processes are briefly discussed below.

First, among the various new approaches that the Master Plan 2005- 2015 proposed was a *mixed land-use policy* corresponding with the current discourses fashionable in *Transport Oriented Developments*, *Compact City* and *Sustainable City*. The RMP document argues that the mixed land-use strategy of permitting commercial uses in residential areas,

“Aims to balance the socio economic needs for such activity and balance the environmental impact of the said activity in such areas. The mixed use policy follows a differentiated approach based on the character of the identified regions – subject to the socio economic character of the neighbourhoods and their *preference* [emphasis mine] to have commercial activities within the neighbourhood” (BDA 2007, vision document , p.30)

It was argued by many of my interviewees who worked closely with the master planning process that the *mixed use policy* was nothing but *recognizing the ground reality*. When the master planning team documented the existing land use, they found that the ground reality had only a very remote relationship to the 1991 CDP. One of the planners - a key member in the master planning team

– notes that the genesis of the mixed land-use policy is nothing but, “mapping of ground reality as is, because the ground displayed mixed use” (interview, Planning Consultant, see **Appendix 1**, no.59). Another said that if they came across a street with a large amount of commercial activities in a residential zone, then the whole street was reclassified into *mixed use*. This was what was presented as *preference of the neighbourhood* in the quote above. The planning process did not have any consultation process with any neighbourhoods to arrive at *local preference of the land-use* priorities. Moreover, there are no specific discussions in the Master Plan document as to whether this mixed use policy is to be implemented retrospectively or not. However, this enabled the legalization of a large number of plan violations in a variety of neighbourhoods overnight. This also enabled many developers to convert their residential projects into commercial projects – like the case of Edwardian Estates discussed above - anticipating the *mutation corridors* and various other specific instruments of the mixed use policy.

Second, even though the Master Plan draft was prepared by private consultants inside their own offices, they could not contain the decision-making process from external influences. Keeping external influences at bay was one of the factors that encouraged the elite clique around the Chief Minister during 2000-2004 to appoint the French Master Planners along with their belief that the French would introduce cutting-edge technology and state-of-the-art thinking for master planning Bangalore into a *world class city*.

Colouring a land green or red or yellow in the land-use plan can move millions overnight because of land speculation. Hence it was definitely of interest to many people that their land didn't fall under the zone of development restriction.<sup>159</sup> Many of my interviewees who had worked in the master plan process told me that they were constantly approached by different government departments and estate agents for information on the zoning of specific land parcels. For example, one interviewee, a planner who worked with the

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<sup>159</sup> Green being green space and red being public Land use both having restricted developmental rights.



consultants, remembers that, one morning during the plan preparation process, he arrived at the office, to find someone in his chair looking at the land-use plan document on the office computer. At that point, one of his colleagues apologized and told him that it was the colleague's uncle and that they were checking the land-use category of their property. A couple of weeks later my interviewee, however discovered that the visitor was in fact an employee of the BDA (interview, planning consultant, July 2010, see **Appendix 1**, no.62).

One of the most significant of these network stories that I came across very frequently during my interviews was about the land-use changes that were happening at the level of the [Material removed to protect privacy].<sup>160</sup> I happened to interview an estate agent who admitted that his client had saved a couple of acres of their land from the green belt with the help of a middle-man for a cost of 5,000,000 INR.<sup>161</sup> It was pointed out that the middleman managed this through his contacts using some [Material removed to protect identity] much lower in the office hierarchy. Many planners who worked closely with the RMP 2015 process – both as consultants and as clients (with government) shared with me many stories about their frustration and amazement when they confronted land uses that kept on changing in the office computers. For example, a number of planners shared with me the shock they felt when they discovered that the use category of many land parcels appeared entirely different during the day of public consultation compared to that which they finalized on the previous night inside the office. They realized that something happened before the printing. Many of those land parcels, even if they were reverted back to their original proposal for the following day's public consultation, changed again without their knowledge (multiple interviews).

This epitomizes the robustness of the informal networks' access to the [Material removed to protect identity] and the loyalty with which this network operates. This access seems to have enabled a number of concerned actors in the city to achieve the appropriate land-use categories that they wanted in the Master

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<sup>160</sup> This remark occurred frequently in interviews with Master Planners, Government Planners, Very Senior Bureaucrats, Real Estate Agents and activists.

<sup>161</sup> Approx. 100,000 USD

Plan. This is one form of master planning – the ability to regulate the use category for one’s own property - perhaps proved to be the safest and the cheapest route for many interested parties since it is the plan document that defines the planning law. During an interview, one estate agent who claimed that he knew many such cases very closely remarked,

“The future of this city is in the hands of the [*Material removed to protect identity*] of a private company. What is more ridiculous than that? How are we going to plan this city?” (Interview, Property Consultant, August 2010; **Appendix 1**, no.54)

A large number of people were concerned about the legal use category of their land and were eager to exercise their will on the land-use plan. Master plan 2015 was the most sought after Master Plan document ever made in Bangalore. Within a couple of weeks, the draft copy of the Master Plan that was printed initially for the BDA was sold out; later copies were sold on the streets of Bangalore for 5000 INR. (Multiple interviews)

The impact of this informal access to master planning one’s own land uses was significant in the case of *valley zones*. One of the important outcomes of the RMP process has been the successful mapping of what the draft Master Plan called *valley zones*. Situated at about 3000 feet elevation, Bangalore is located within three natural valleys (**Map 9 p 253**). These valleys link the hundreds of lakes in the city through man made canals known as *Raj Kalve*. During the last six decades of development both public and private actors have encroached upon the lakes, canals and valleys with scant regard to the ecological impact. Even though the existence of these natural valleys and canal networked lake system was known to the decision makers and planners, it was not until this master planning process that it has been mapped and the extent of damage to the network identified. For example the entire National Games Village in Koramangala had been built by the KHB reclaiming the Koramangala Lake; the BDA built the Srinivagulu Tank Bed housing layout by reclaiming the Srinivagulu Lake. There are developers in Bangalore who are nicknamed *tank men*, specialists in reclaiming lakes through engineering legal and illegal means. During the field work, I documented that houses, apartment complexes, play

schools, front garden; parking lots and so on are built on top of the Raj Kalve within the neighbourhood of Koramangala.

Using satellite imagery and GIS, the 2015 Master Planning process mapped these valley zones, and earmarked them as no-development zones. However as soon as this information became public through informal networks and the public consultation in 2005, the number of planning applications for land parcels earmarked as *valley zones* increased at a higher than normal rate (interviews with Senior Government Planners, **Appendix 1**, no.90, 102,111). Many landowners who owned a piece of land in the earmarked valley zones wanted to develop their land before the Master Plan was officially adopted. To curb this trend, the Town Planning Member at the BDA then introduced a temporary freeze on developments in the valley zones until the Master Plan was officially adopted. He argued that permitting such a development rush would irreversibly transform the ecological balance of the city and would make it impossible to do anything about the newly discovered ecological logic of Bangalore's urban pattern, even after the plan's official adoption. (Interviews with Senior Government Planners, **Appendix 1**, no.90, 102, 111; Padmaraj and Jagannathan 2006)

What happened to this litigation is revealing of strength of the vernacular networks of governance. A group of developers and individual landowners petitioned against this decision at the High Court arguing that their planning application was entitled to be evaluated against the then-existing development rules and not based on any anticipated Master Plan. The development rules that existed then were based on the 1991 CDP under which their land parcels do not appear under any valley zone (ibid). After hearing Counsel from both sides, the High Court supported the logic of a development freeze. The judgment (ibid), noted that since the new technology enabled the identification of ecologically fragile regions, permitting development would amount to violation of environmental law, and that the BDA had the right to exercise their discretion in foreseeing future of the city for public interest. The refusal of planning permission was upheld. So far so good for the structure of the official state

apparatus of planning. So what happened to such a magnificent display of planning power and state's will to protect public interest?

When I asked a senior planner in Bangalore if the TPM's withstanding of the pressures to achieve a favourable court ruling had helped to eventually save the valley zones , I got the following reply,

“When developers realized that he [TPM] will not budge, they managed to transfer him from the BDA to [one of the usual punishment transfer locations]. There were other planners in queue to take over. They were willing to pay the minister to get the posting because they knew that they would make money from the developers. This would make all the parties win what they want. Only he was in their middle, so he had to be removed. After transferring him, the developers appealed to the Supreme Court against the High Court ruling. By then BDA had a new TPM and the government did not file their written statement in the Supreme Court. So the judgement went in favour of the petitioners (the developers). They got their right to develop wherever they want to develop” (Interview with Senior Government Planners and bureaucrats, specific source not identified here).

By transferring the planning or government official who did not consent to the vernacular governance networks' ambitions and ensuring that the official apparatus did not file the written statements in court is one of the ways in which many court cases gets ruled in favour of the privatizing networks in Bangalore. During my research process I came across many instance of such a practice. In this case it happens to be the developers who wanted to develop the watershed network in the city.

Third, after the consultants submitted the draft Master Plan document, it took two years for the government to adopt and release the final Master Plan officially. In these two years numerous change of land use, valley zone planning applications, as well as changing land-use categories of numerous land parcels have been made inside the BDA office (multiple interviews). A senior planner and a very senior bureaucrat as well as many others told me during interviews that the BDA hired a GIS consultant and made many changes *on demand* to the plan in-house. A senior planner in government when asked about this

accusation tells me that this was done because the SCE didn't get it right. He argued that the,

“SCE had all kinds of names for land use reservations - mutation corridors, valley zones - valley zone is not a legal land use category. Show me that in KTCP act. Their plan was itself illegal”. (Interview, Very Senior Planner, September 2010; **Appendix 1**, no.105)

The SCE was a consultant after all and the BDA was their client; what should go in the Master Plan is indeed the privilege of the BDA. The senior planner argued that the changes were made to make the plan more legal and practical. He suggested that it was not possible to reserve large tracts of private land because they occur in valley zones. In order to solve this problem, he argued that the valley zone protections had to be relaxed and changed before the finalization of the Master Plan. When I asked one of the consultants who had helped the BDA to finalize the Master Plan, he denied that any outside influences or specific demands were entertained while the Plan was with the BDA; instead, he argued that in fact many *on demand* land-use changes were entertained while the plan was being prepared originally at the SCE. (Interview, Planning Consultant, August 2010; **Appendix 1**, no.58)

It is argued by many in the city that the scale of the transactions (bribes) was very large that it even attracted the income tax department's attention. One of the high-level bureaucrats with the government shared with me a copy of a newspaper cutting that reported an income tax raid on the premises of a number of people involved in the preparation of the Master Plan.<sup>162</sup> It backed his claim about the level of informal networks and the scale of transactions that had taken place during the master planning process. When I requested an interview with the officer who had conducted the income tax raid, I was informed that the Income Tax Investigation Department does not give public interviews; however, the officer did not deny the fact that a raid had been conducted. He agreed to give me a written statement on this matter if I contacted him a couple of weeks after I had first met him. Despite this assurance, my repeated attempts to meet him failed.

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<sup>162</sup> I lost the copy of this from my archives so it is not referenced here.

Discussing with me details of the changes that was being made during the master planning process, one of my interviewees, a planner who had worked as a consultant to the plan preparation process, told me that the BDA planners after a point didn't really bother with what the SCE were doing. They always said, "ok- do it-ok do it". Only much later did my interviewee realize that the BDA planners, administrators and the politicians knew the worth of 'unpopular colours' in the Master Plan draft. He remarked, "It eventually ended up to their benefit that we reserved a lot of land in green and red, because they made a lot of money changing it". Similarly, another planner who worked throughout the Master Planning process notes the casual attitude that was prevalent among the government authorities:

"The act says once in ten years we need to update the plan- so *maddu bekku*.<sup>163</sup> The government even didn't have the capacity to write a proper RFP [request for proposal], and then there are ministers' influence, addendums, corrigendum, etc. Communication gap existed between black and white in the team. I was asked in fact to join these guys by [name] and [name] to have some communication space. Neither the government, the BDA, the BATF understood much of what the French said, nor did the French understand the government actors well. When you give a Master Plan document, they comment on the formatting of the report and comments on elevation. However sexy the plan might look, it is rubbish at the end of the day. The final presentation was 1 hour 15 minutes and 165 slides. The board was bored. They started yawning and looking here and there, and playing with their handhelds or mobiles. It is no surprise that at the end, this became a Plan that was organized for the demand side and imposed on the supply side". (Interview, Planning Consultant; **Appendix 1**, no.60)

Many officials in the board perhaps knew too well that the life of the plan will begin inside the planning office before its adoption and that the draft Master Plan was only a canvas for the vernacular networks to draw the city's future. While the Master Plan process discussed above was about legalizing specific illegalities through mixed use policy and access to the planning process that enabled the colouring of one's own land use, in the next section I discuss the Regularization Act that eventually enabled the legalization of a very large number of plan violations in Bangalore.

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<sup>163</sup> In Kannada means - Get it done

### 5.4.3 Regularization Act

While section 14-A and the Master Plan process challenged the very idea of land-use control in Bangalore enabled by the KTCP Act, a new amendment to the KTCP act inserted in 2007 proposed to legalize most forms of land-use (and many other forms of) plan violations. The Karnataka Town and Country Planning and Certain Other Laws Amendment Bill was first proposed in 2004 and later inserted in the KTCP Act in 2007 amending the KTCP Act 1961, Karnataka Municipal Corporations Act 1976, and the Karnataka Municipalities Act 1964 and Karnataka Land Revenue Act 1961 to enable a legal provision for the government to regularize most forms of unauthorized and illegal violations.<sup>164</sup> Inserted as section 76 FF in 2007 in the KTCP Act 1961, it reads,

“notwithstanding anything contained in this Act, where any land had been developed or change in land use made in contravention of Section 14,14-A,15, 17 or the regulations or in contravention of commencement certificate granted under section 15, the planning authority may regularize such development and change of land use made prior to the date of commencement of the Karnataka Town and Country Planning and certain other laws (amendment Act 2004, subject to such rules as may be prescribed and on payment of the prescribed amount, which may be different for different purpose, but not exceeding the estimated cost of the development.” (Puliani 2009, p.78)

To put it simply, the amendment proposed to regularize illegal buildings and developments up to a cut-off date by accepting a penalty, with the exception of public land encroachments and urban open space and wetlands conversions. A limit was proposed on the amount of development that is entitled for regularization: 50% (of the floor area) violations for residential buildings and 25% of violations of commercial buildings.<sup>165</sup>

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<sup>164</sup> This act will be referred to here as the Regularization Act.

<sup>165</sup> The 2007 act stipulated the following conditions: Irregularities at any public infrastructure and amenity provision, public land and public buildings, squatting on private property, environmentally damaging high-category polluting industries in environmentally sensitive areas, Coastal Zone Regulation Act violations, and developments in agricultural zones or in the green belt zone of master plan and illegal basements cannot apply for regularization. All other industries can only apply for regularization with approval of the pollution control board. Buildings with setback violations of 25% for residential and 50% for non-residential and changes in land use are the first to be regularized. Buildings with a floor area ratio (FAR) in excess of 50% for residential or 25% for non-residential and with proven structural stability had three months from the date of commencement of the act for regularization.

The Regularization Bill was rationalised as a general one-time relief for the general public who had been “cheated by the unscrupulous developers”<sup>166</sup>, who had built and sold unauthorised developments. Initially it was proposed as a measure to regularize the revenue layouts in the State of Karnataka but in the process of the evolution of the bill, a wide range of plan violations were included, somehow excluding the encroachment of government land.<sup>167</sup> It was known as the *Akrama-Sakrama* Bill<sup>168</sup>- Akrama – being an illegal act- Sakrama being a legal and benevolent act. Akrama-Sakrama was one of the nodes of political, legal and administrative conflict in Karnataka for eight years from 2004, given that the scheme became very popular as well as contested simultaneously. Initially the bill was passed in both houses of the legislature of Karnataka on 24, 02, 2004, however the Governor of the Karnataka did not give assent to the bill and asked the government to review the bill. The Governor’s objection notes that,

“The bill portends far reaching and irreversible changes in the planning profiles of the urban or semi-urban centres in the State, drastically affecting the environment and the existing living conditions. It has the potential to perpetuate the worsening of living conditions in the already fragile urban centres, impose unbearable strain on the civic services, tolerate and encourage violations of law and discriminate against the law abiding in favour of the law breakers”. (Letter by Governor T N Chaturvedi available from Section 19 of Kothari 2007)

Even though this proposal was first initiated in 2004 by the Janata Dal government, when the opposition BJP party came to power in 2007 they adopted the same bill as a law with some minor amendments. Given the popularity of the bill, the amendments specifically included the reduction of the penalty. Even though to this date, the Governor has not approved the scheme and the High Court has instructed the government to review the proposal in the context of a number of Public Interest Litigations, the relevant Acts (KTCP Act, KMC Act, KLR Act) have been amended and are awaiting implementation. The

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<sup>166</sup> Source- cabinet note on regularization bill- no-UDD 366 GEL 2005, appended in the Public Interest Litigation - Kothari (2007)

<sup>167</sup> A new bill is currently being proposed by the Government of Karnataka to regularize the residential encroachments on government lands. (See “Karnataka plans to regularize unauthorised buildings in government Land” The Hindu 2013 July 08, [www.thehindu.com](http://www.thehindu.com))

<sup>168</sup> Akrama = violation/bad act; Sakrama = good act



point I want to make here is about the popularity of the scheme, i.e., successive governments and ministers have pushed for the adoption of the scheme rather than oppose it.<sup>169</sup> I also documented that any neighbourhood activist collective that raises their voice against this bill develops internal conflicts due to the fact that a large number of people within the respective neighbourhoods support the bill.

The Regularization Bill is a very complex and contested piece of legislation in the context of land-use planning with its own staunch supporters and critics. However, the promise of regularization always drove very high levels of plan violations. When I asked about Akrama-Sakrama, a very senior political administrator in Bangalore remarks that,

“Everyone in Bangalore goes for deviance. If the deviance is lower, then some kind of penalty can be put. But in Bangalore it’s more than 50% deviance. Can we demolish all these?” (Interview, Senior Politician in Bangalore, **Appendix 1**, no.121)

This sense of helplessness that *there is no alternative* is the usual response that I got from most politicians, administrators and people in Bangalore. Another senior politician during my interview argued that 50% and 25% regularization are not enough; instead violations should be regularized 100% (Interview, Senior Politician, **Appendix 1**, no.122). He noted that people are *just* making some extra money by extending their properties, or renting them out for commercial use or selling their properties for better returns. He argued that “[it may be plan violation, but] if you don’t want them to do that, then give them a government job, where they will have a stable income” (ibid).

On the contrary, a senior administrator who was very closely involved with the scheme remarked to me during an interview that every violation affects the violator’s neighbour in many ways.

“How can the government regularize this? Who is going to pay for the disturbance? How will the disturbance be solved? The violator is locking

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<sup>169</sup> The Secretary who wrote the cabinet note on one of the meetings about this bill even notes that the Deputy Chief Minister is very upset that finalization of this scheme is taking too long. (Cabinet Note-note number 61 in Kothari 2007)

my light and fresh air. It's a criminal act". (Interview, Senior Administrator, BBMP; **Appendix 1**, no.72)

During an initial implementation of this act in 2007 (which was later hastily withdrawn) he noticed that the very act of bringing in the Regularization Bill created more violation and cases for regularization. In most cases, he noted that violations were more than double and not just 50% of the floor area. However, he remarks that this gave the engineers who evaluated schemes a chance to make more money by certifying that the violations were within the 50% mark. Furthermore, it seems that whenever the BBMP gave letters for demolition of violations, the owners of the respective properties replied that they were going to apply for regularization (Ibid). So regularization sustains and produces plan violations. In the words of an estate agent,

"Regularization is a back door entry into conversion and change of land use. Akrama-Sakrama is giving you license to do whatever you want. This is a money spinner for the politicians". (Interview, Estate Agent; **Appendix 1**, no.57)

Indeed, the Regularization Act do complete the violation of land-use planning in Bangalore through planning for violations. While section 14-A provided exemptions to land-use controls, master planning mixed use policy legalized a large amount of plan violations, and the informal process of accessing the draft plan document enabled a number of interested parties to change the plan itself to suit their own land-use requirements, the Regularization Act finalized the circle providing a process for legalizing most plan violations in Bangalore. In other words the instruments and practices of planning for violations enable the complete exemption of the land-use plan.

### **5.5 Conclusion: Violations of planning through its practice**

The aim of this chapter was to answer the first part of the research question of this thesis: *how are violations produced and sustained* in Bangalore. In Chapter 2, I critiqued the approaches that conceive violations as deviation from a Plan arguing that such conclusions emerge from the conceptualization of the state as a monolithic and powerful entity that can rule a society through establishing formal rules of conduct and governing, for example in the form of a land use

plan. From this perspective many scholars adopted frameworks like *informal/formal* dualism, implementation failure and corruption or society and the state against each other (for example, subversion by the poor or sovereignty of the state) while explaining violations. Instead I proposed that a conceptual language of vernacular governance would enable the examination of a range of actors and processes in specific places to help identify the practices of governing that result into specific outcomes, in this case land use violations. Using many examples from the wealthy neighbourhood of Koramangala and wider geography of Bangalore, in this chapter, I demonstrated that violations are very integrally connected to the practice of planning and urban governance in Bangalore.

Using violations as a geographic site to understand planning in practice, I showed how plan violations and planning for violations support each other. For this purpose I drew from many examples of plan violations and planning for violations from Koramangala and wider Bangalore. I argued that plan violations and planning for violations together exemplify the vernacular governance practices that produce private interest outcomes. Plan violation and planning for violations as practices complete the circle of *violations of the process* architecture of planning system in Bangalore through its own practice. As a very senior bureaucrat noted: “Master planning in Bangalore [only] gives general guidance. But enforcement is weak -you might have heard about Akrama-Sakrama. That’s how we do it”. (Interview, Very Senior Government Administrator; **Appendix 1**, no.96)

Through the interviews and specific cases I demonstrated how the apparatus of *the state* that controls the urban land-use change to produce public interest outcomes is occupied by a wide range of actors forming a network that produces private interest outcomes. This process not only acts in contravention to the law, but also produces law that legalizes illegality. These networks construct a parallel practice of governing that support the interest of the actors involved in the network. Both the production of plan violations and its sustenance through planning for violations are enabled by the operation of

these governing networks. Many of the operational modalities of this network are public information in Bangalore among the people, politicians, decision makers and administrators. For example, in a letter to the Commissioner of BDA dated 09/07/2010, the Principal Secretary to the State Department of Public Enterprises noted,

“You may kindly recall my discussion I had with you in the past about the encroachments in 2<sup>nd</sup> block Koramangala with the connivance of lower level officials. I think you may agree with me that the lower level officials are always biased towards the encroachers and the contractors for their own personal agenda. As a result taxpayers, law-abiding citizens are put to embarrassment and trouble”.

He continued,

“Usually the encroachers manipulate records and get their plans sanctioned with the connivance of lower level officials....In fact my several complaints to lower level officials have yielded no results” (PS-DPE 2010).

Similarly Justice Ram Mohan Reddy while directing the government to form a task force to identify the illegal layouts in Bangalore notes that,

“...before parting with this case, the state government needs to be cautioned over the dubious methods adopted by unscrupulous colonizing elements in forming layouts of residential sits over agricultural lands without obtaining an order to divert the use of the land”,

He wonders why the number of government officials and departments fail to “stem the rot”. He continues,

“all this in the name of lethargy and inaction on the part of the State, its instrumentalities, departments and offices. Apparently, no officer is held responsible or accountable for allowing the illegalities to be perpetuated”.<sup>170</sup> (Reddy 2008)

During my interviews many administrators noted that not only are lower officials involved in this, but higher level officials and various politicians are also closely involved in this practice. Many admitted that even *the big man*<sup>171</sup> had called them on more than one occasion directly to approve files and oblige

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<sup>170</sup> Page-4, This order led to the formation of a task force under the UD secretary to enquire and submit a report to the court in 7 months.

<sup>171</sup> The word a Government Planner used for the Chief Minister

in various forms. Many of my interviewees argue that it is the general *greed* of the people that works behind the violations. Violations have become a public debate in Bangalore with its own supporters and critics. The planning process in Bangalore is implicated in a number of court cases, suffers from too frequent transfer of officials and is occupied by a number of private interest networks that inhabit the sphere of governance. Adopting a relational approach to governance studies, Healy (2009) argues that “governments do not act, but actors in positions in government act”. The governance network is inhabited by actors from inside and outside the government including politicians, contractors, developers, administrators, residents, middle-men, planners etc., making markets for each other using all resources at their disposal including the structures and processes of the state. Though a detailed network mapping is beyond the scope of this dissertation, it can be seen that for every situation described in the empirical examples, the outcome owes itself to the various connections between the local councilors, engineers, politicians, officials, planners developers, land owners, middle-men etc., that challenge the dualist conceptualization of the state and society. I argue that the resultant outcome should be understood as an outcome of the operation of these networks. Adopting this line, I argued that violations are not a deviation from any norm or a plan but are instead the product of *planning practice*.

## Chapter 6

### Planning in Vernacular Governance

#### Planning, public interest networks and emerging activist planning collective

“In Bangalore nowadays, everybody is a planner”

(Director of planning)

#### 6.1. Introduction

In the previous chapter, I showed how a range of actors who occupy the planning network transform the planning system into governance practices that produce private interest outcomes. Drawing on my fieldwork in Bangalore to substantiate that claim, I demonstrated how practices of *plan violations* and *planning for violations* together produce and sustain violations.

In this chapter, I examine the other side of the coin, i.e., the formation and operational mechanisms of the public interest networks. To do this I use a fine-grained analysis of the transformation of neighbourhood activism in Koramangala. In the analysis the idea of public interest is conceptually based on outcomes rather than the interest of a consolidated public authority. Therefore, I show how local activists organize and cooperate to contest the private interest outcome oriented planning practice to produce public interest outcomes through forging many forms of alliances. Through learning about production of violations, law and governance processes, they contest the practices of *plan violations* and *planning for violations* and proactively engage with the planning process as a new form of *activist planning collective*. One of the broad arguments of this thesis that this chapter aims to contribute to alongside the previous chapter is that both private and public interest outcome oriented practices are embedded within the culture of *vernacular governance* and operate using networks and the state system simultaneously. I argue that the

planning process in Bangalore is best understood as occupied by governance networks that produce private interest and public interest outcomes.

By examining this process, I will show not only how the situations that they confront transform their activism, but also their *subjectivity*. I argue that these collectives through a process of continued learning are significantly transforming the planning practice in Bangalore. The collectives are contingent, quite unstructured in their form and processes, and are in the early stages of formation. Such networked practices operating through complex negotiations and collaborations call for a renewed understanding of the planning process in Bangalore beyond a state-centred administrative enterprise.

I discuss this in three main sections. In the first part, I will show how plan violations resulted in the formation of a loose collective that I call a society of *mutual surveillance*. This is a fundamental shift in neighbourhood relationships and departs from the *partners in crime* networks discussed in Chapter 5 that produce and sustains the violations. In this section, I will also draw examples from wider Bangalore in addition to those from Koramangala,. Secondly, I will show how and why the mutual surveillance networks moved to a critical engagement with planning and governance i.e., from a call for an *enforcement of the law to a critical reflection on the law* itself.

The second part is discussed in two subsections. In the first, I discuss the casualties from mutual surveillance that resulted in neighbourhood conflicts. In the second, I show how the activists transformed the engagement after realising that the violations were not a simple issue of black and white legality and illegality. These actors then engage in the *reverse surveillance* of governance process and develop a deep mistrust about governance and legal practice. This makes them move on from *implementation and enforcement of the law* to a critical engagement with law making and governing practices. This move involves learning about the complex planning epistemology and system, neighbourhood mobilization, education, campaigns for responsible citizenship and challenging the particular framework of the rule of law itself using

administrative (negotiating with administrators), political, (using political capital), and legal (using law courts) mechanisms simultaneously. Thirdly, I show how these activist planning collectives move towards a particular outcome based activism i.e. a proactive engagement with the planning process and projects to ensure specific outcomes on the ground. A closer look at this activism demonstrates the formation of a public interest network involving a number of actors both from within and outside the government and the neighbourhood, using a variety of strategies that are civil, legal and political in nature.

Using the analysis of these stages of the activism, I will argue that a new form of *activist planning collective* for public interest outcomes is forming in Bangalore, and this can be understood as an *urban social movement* with implications for the transformation of the planning process in Bangalore. By tracking how they operate, their internal conflicts, and their wide range of motivations, I argue that these do not represent a consolidated *middle class* interest and propose to rethink the homogeneity and strategic alignments of the middle class often represented in the studies of urban community activism in India. Further, I show how a large number of both upper and lower level government actors are against this sort of activism while some others support it. During the process of activism, it can be seen that the actors move in and out of a confrontational and collaborative mode simultaneously enabled by the culture of vernacular governance. In conclusion, I propose that participation and collaboration in planning can be thought of as a continuous process that emerges based on negotiation. I propose that one should move beyond imagining planning practice in Bangalore from a state led top-down practice to a socially constructed domain of engagement.



## 6.2. Beyond the representations of the state, the middle class and bourgeois environmentalism.

Ted Rutland in an impressive critical review of the main debates on urban social movements (Rutland 2013) highlights the question of theorizing the *activist subject* implicit in Castells (1983). He argues that the question of the *activist subject* needs to be understood as a work in progress – as “contingently made and remade in particular historical and geographic context”, and that it is important to examine “how the *making* of the subjects is involved in on-going contentious urban politics” (Rutland 2013, p.2, emphasis in original).

It is beyond the scope of this dissertation to examine in-depth the theory of the subject(s). However, the transformation of the activist also means the transformations in their activism and subsequently the outcome. The analysis of contestation of violations therefore involves exploring the problem of the transforming *activists* in order to analyze the problem of activism and its outcomes. This reflection is also important given that the academic claims on urban social activism in Indian cities adopt a preconceived notion of the activist as either *middle class*, *elitist* or part of the *urban poor*.<sup>172</sup>(Arabindoo 2005; Baviskar 2002,2003; Benjamin 2010, Chatterjee 2004; Ghetner 2011a, 2011c; Kundoo 2011)

All these authors *begin* with a presumed identity about the actors using categories of *the state*, *the middle class* or *elite* and *the urban poor*- and they attempt to elaborate how the state and middle class works together against the politics of the poor motivated by the same desire to improve the aesthetics of the city. This work suggests that the state is now in collaboration with the middle class to sanitize the city of the urban poor and the porous bureaucracy. The middle class is often represented in this work through the study of Resident

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<sup>172</sup> Reviewed in Chapter 2 in various sections

Welfare Associations (RWA)<sup>173</sup> engagement with the process of local governance.

Such a presumed generalized activist - for example *the middle class* - is evident from the scholars' refusal to track how the activists first of all group together to form coalitions larger than the RWA, or how certain activist programmes transform in the context, or even how the activist themselves get transformed in the process of activism. Furthermore, almost none of their work looks at instances where the government actors fight against the middle class actors to achieve private interest outcomes that suit the privatizing networks within the sphere of governance which include actors across class categories. Due to the lack of a micro-process examination, these frameworks are also blind to the many internal conflicts and possibilities of any form of political consciousness among the so-called middle class. The notion of the *middle class* enters into their work as a preconceived idea, justified later by examining the nature of services, streets, urban and civic spaces and the notion of rule of law categorized as only of *middle class* interest.

In addition, their analysis does not take into consideration how actors in the higher-level administration also enact and practice governance in vernacular terms. As I have argued before, it is not just that *the state* has vernacular feet of clay (mostly caste and clan based relationships) (Kaviraj 1999) but governance itself is performed in vernacular terms, even beyond the caste and community based coalitions. When activist collectives or neighbourhood actors react to these privatizing networks in the planning sphere, it can be seen that the conventional idea of civil society and making the state accountable etc., are not always the ways in which public interest outcomes are achieved.

Even though my dissertation does not engage with the different threats that destabilize the private capabilities of the urban poor in the city (presence or absence of state or middle class), I will propose that it is important to re-

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<sup>173</sup> Instead of discussing RWAs, Chatterjee (2004) argues that the Indian city is currently transforming according to the imagination of the "Bourgeois, at last"

examine the various alliances that the scholarship on urban activism as middle class often presents. However laudable the intention of that scholarship is, I argue that such theorization presents an inadequate picture of governance and local activism in Indian cities.

A finer analysis of land-use violations in Bangalore that I presented in the previous chapter challenges the idea that the *middle class* and the *state* are in any collusion. Some parts of the state and a large section of middle class themselves can be seen questioning the activism of the middle class actors against violations while others involved in the state and part of the so-called middle class can be seen supporting it. For instance, governance actors, who can be categorized as middle class, as described in the previous chapter, work against the neighbourhood middle class actors to achieve private interest outcomes out of planning and governance process. Middle class residents in middle class neighbourhoods work against each other when it comes to notions of rule of law, and benefits from land value or neighbourhood imaginations and self-interest. In the sections below I demonstrate these arguments using analysis of local neighbourhood collectives.

### **6.3. From partners in crime to mutual surveillance**

For decades, Koramangala had different forms of local neighbourhood activism in the form of low-key local neighbourhood collectives and, more recently, as more organized and officially registered Resident Welfare Associations (RWA). The RWAs organize themselves in the neighbourhood to engage with issues internal to their residential neighbourhood: awareness on waste recycling, improving services delivery, getting a road built that leads to their residential block, or protecting a park inside their residential block, etc. RWAs focus mainly on micro issues and most of the times limit their activities to issues that impact their spatially defined residential neighbourhood. <sup>174</sup>

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<sup>174</sup> For example, the third Block Koramangala RWA takes a proactive approach in managing the third block park, spreads awareness on waste recycling, conducts workshops on security in their neighbourhood, and so on. They have a newsletter and their activists are a constant presence in the offices and public spaces, particularly inside the third block park. Their engagement, like many active RWAs in Bangalore is very hands on. As one member told me: “*We supervise in person when the contractors and the engineers do the road and drain works or lawn [sic] the park. The contractors*

A new trend in such activism in Bangalore is the increase in the number of neighbourhood groups that organize themselves as vigilante groups as a result of the impact of the violations and the private outcome based governance. This became significant after many parts of Bangalore, particularly Koramangala, experienced severe floods in early parts of the last decade.<sup>175</sup> Today a couple of hours of rain can arrest normal life in Bangalore. Its killer drains have developed a reputation for sucking people to their death during flooding.<sup>176</sup>

When their neighbourhood flooded, a number of residents got together. Some of them were even meeting each other for the first time. Their initial conversations encouraged them to look at and share with each other what was happening around them. They took notice of the encroachments, blocked drainage systems, filled up lakes, the large number of buildings that were violating land-use and building regulations, un-built roads, drains, pavements, land-use violations, encroachments and politics in institutional governance and so on. They realized that floodwaters coming out of their own toilets due to rising water level during the floods have local, regional and citywide causes. Some of them realized that their own housing was built on top of a wetland. They found out that Bangalore has a planning system, and that the planning system was more interested in making layouts out of existing open spaces and lakes and approving planning permissions violating the laws, and busy making and ignoring plans at the same time in a way that suited the communities of interest within the planning system. They found that their neighbourhood had grown too big and too fast while all of them were too busy putting together their lives.

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*and the engineers were initially non-cooperating, but now they usually call and let us know when a particular work will be done in our neighbourhood".* (multiple interviews) I have met many activists during my fieldwork who were taking turns to supervise the improvements on roads, drains and parks in their neighbourhood.

<sup>175</sup> Koramangala takes the brunt <http://bangalorebuzz.blogspot.co.uk/2006/06/koramangala-takes-brunt.html>

After flooding, BMP wakes up to de-silt Koramangala Valley,

<http://archive.deccanherald.com/Deccanherald/may082004/c3.asp>

<sup>176</sup> 1. This drain remains a death trap. The Hindu - March 07 2011. 2. Eight die in rain-related incidents. The Hindu - April 24, 2011. 3. School boy washed away in Canal. The Hindu- May 14, 2011. In 2009 even the body of a young child who drowned to death in the drains of Bangalore couldn't be found. A couple of people lose their lives every year due to the flooding and drainage.

As a member of a community planning activist group puts it:

“We started with issues immediate to us - getting a drain built, a road tarred, trees planted etc. But, soon we realized, even if we get a drain built in our neighbourhood, what is the use? Flooding is also caused due to the problems elsewhere. We realized we have to engage with larger issues as well if we wanted to sort out our local issues”. (Interview, local activist, Koramangala; **Appendix 1**, no.22)

One of the active members of Koramangala Initiative (KI), a local community planning activist group described the formation of KI:

“About 7-8 years ago we started because of the 80 feet road; the entire road was a huge minefield. Minefield in the sense that there were no road basically, and they<sup>177</sup> were building a sewage line in the middle of the road. They maintained that only when the sewage line is built, that the road would happen. And the sewage line, because of the contours of this place and so on, was a real chaos. There happen to be a lot of people who wanted the road [to be in operation] there, walking up and down, meeting engineers, talking to people, and figuring out what is going on. There was huge angst about why is this not done yet - you know, the entire flooding issue was also linked up with this. In fact many of us met for the first time on this issue - at the road - and thought if we could do something. We understand that RWAs and enough and more people are there at the micro level - to look at this roads, drains, trees, garbage and such micro issues - we thought there are issues that are more than that specific that can save Koramangala. So that’s how it started. *Koramangala Initiative* is not a classical Residents’ Welfare Association. We wanted to save Koramangala; we came from not knowing each other to acquaintances to colleagues”. (Interview, KI activist, Koramangala; **Appendix 1**, no.1)

It began with a small number of concerned people who had diverse professional and personal backgrounds coming together as a neighbourhood collective. There were natural leaders, entrepreneurs, IT professionals, and environmental consultants. As one of the members put it: “None of us were social workers or anything- it began with saving Koramangala- It was just five-six individuals who met and said- ok, we could do something here” (ibid). One of them started an e-group called *Save Koramangala*, which attracted about 300 members of which 50 were very active. This e-group became the forum where the wider group shared each other’s concerns. Some members realized that complaining was not enough and that they had to do something about it, so they formed what they

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<sup>177</sup> Bangalore Water Supply and Sewerage Board - BWSSB

called a *Working Group* [SKWG], which would take up the issues with the authorities and bring about some change. So organizationally, they became multi-layered – the e-group shared concerns, debates and ideas about the neighbourhood; the working group took up particular issues and represented through the banner of a registered trust. Even though only a core group of people usually took initiatives and the lead, the wider members provided different form of support: contacts, funding, signature campaigns, and ideas and so on.

As Mr Revi puts it,

“When we started going about it, we needed some kind of identity because there are so many welfare associations. When we go to the authorities first thing was about who are we? So we needed a card with us. So we registered an association- Koramangala Initiative. Actually every issue rose [sic] on the e-group becomes an issue for the SKWG and then KI will take up some issues [for action]. There were diverse views, issues of contest etc., [but] we selected issues that are common to people. Roads, protection of trees, how the area gets developed etc., are common to everyone”. (Interview, KI Activist; **Appendix 1**, no.20)

Along the way, the group decided to take up the issue of *commercialization*<sup>178</sup> of their neighbourhood- i.e., the plan violations. I met quite a number of people in Koramangala and wider Bangalore who described to me how they were personally affected by the land-use violations on their street: a call centre, a commercial complex, a marriage hall, shops and restaurants, offices, kindergartens, and so on that made them feel unsafe, estranged, conflicting with their neighbours and harassed by the increased noise. Along with such functional issues, some of them also raised their moral concern with the implementation of the *rule of law*. Even though many individuals and groups have been complaining about the land-use violations in Koramangala to the relevant authorities for a long time, they did not seem to get any response. The convener of the *Neighbourhood Civic Movement Koramangala* complained to the BBMP and BDA commissioners about a multi-storied office complex in their neighbourhood. In a letter dated 6<sup>th</sup> September 2004 he wrote that, “in spite of our request nothing seems of have been done and the multi storey office complex has already been completed and seems to have been even rented out to

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<sup>178</sup> Conversion of residential land use zone and buildings for commercial and other purposes

the software firm NESS” (Menon 2005). Similarly Mr Sathish, one of the members associated with the wider group tells me, that he realized that every letter of complaint that they wrote about plan violations in their neighbourhood to the authorities was an opportunity for the local engineers to make more money by negotiating with the violators. He realized that through this form of complaint process, he was not making the situation any better; on the contrary, he was making his neighbours unhappy and they began to perceive him as their enemy (Interview, Local Activist, Koramangala, July 2010; **Appendix 1**, no.2).

Realizing that the relevant planning authorities were not going to respond to individual concerns, some members from the *Save Koramangala* group decided to file a Public Interest Litigation at the High Court of Karnataka against the illegal violation of residential land use.

As Mr. Krishan describes it,

“No RWA was taking up commercialization. Commercialization of the neighbourhood was a big problem. Our objective was to stop the commercialization of the neighbourhood. As an example we listed commercial illegal buildings, and buildings with building violations- [Even though] our [main] concern was land-use violation, we also had building violations in the list – the idea was to bring to the attention of the court- that the big building violators are the same commercial interests. That was the logic”. (Interview, KI Activist, Koramangala; **Appendix 1**, no.1)

This PIL was a major deviation from the order of neighbourhood relations that existed and represented a shift from partners *in crime* network where the neighbours thrived on each other’s violations for legitimation and safety of their violation to that of *mutual surveillance* and the call for the enforcement of the *rule of law*. The residents petitioned the court to intervene in the matter as their repeated representations had “fallen on deaf ears...and that the authorities have failed to take any action against the erring residents of the locality”. (Menon 2005, p.4)

The petition specifically described the activities of about 87 properties in Koramangala that were violations in the residential land-use zone.<sup>179</sup> It is to be noted that these violations were conducted by wealthy residents and landowners in Koramangala. The petition also listed encroachments of pavements and buildings that had did not have planning permission. According to the petitioners, the violations caused them various forms of hardships: overcrowded parking, very high noise impact from the diesel-run electricity generators and the air conditioning units, over-burdened water and electricity network, and limited parking space and traffic congestion.

They argued that their fundamental rights to life and livelihood guaranteed under the Constitution of India Article 21 was “being seriously impaired by the wanton, callous, indifferent, illegal and arbitrary actions of the respondents” (ibid, Section 4, p.3).<sup>180</sup> Their petition noted that, “While the need for urban development is not in dispute, petitioners [sic] are complaining about the lack of planning vis-vis their fundamental right to life” (ibid). Hardship in their everyday life, they argued, was the “result of callousness on the part of the authorities in exercising their powers and failing to protect and preserve the fundamental rights of citizens” (ibid). The PIL asked the court to direct the authorities to conduct a survey of the neighbourhood and identify the scale and nature of violations. Furthermore, they demanded that the court direct the authorities to take measures to restrict the properties to their permitted use; enforce the provisions of the KTCP and KMC Acts; take appropriate action against the officers who were guilty of dereliction of duty; and direct the government not to grant *change of land use* indiscriminately until guidelines for such powers are agreed in the court.

### **6.3.1 Privatizing governance and Divide and rule**

During the hearing of this PIL, the High Court ordered the BBMP to survey the area and report the actual extent of violations. After the survey, the BBMP Commissioner admitted in the court that all of the examples mentioned in the

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<sup>179</sup> According to the CDP 1995-2005

<sup>180</sup> Respondents were Planning and the Implementation Authorities



petition were violations.<sup>181</sup> In the words of an activist, this PIL “opened up a can of worms” (Interview, neighbourhood activist, **Appendix 1**, no.1). He suspected that the judge wanted to use this opportunity to clean up Bangalore, so asked some very delicate questions of the Commissioner in court, which irritated the Commissioner. The activist notes,

“The government or the BBMP or whatever you want to call it turned it around and did not look at the zonal violations at all and went hammer [sic] on building violations- about which every house have a building violation- including ours. The day the judgment happened, when the judge was taking out his guns and firing at the BBMP commissioner saying, do this, do that etc., by the time I reached home from the court the BBMP had already been at my house and the engineers have [sic] already surveyed my place”. (ibid)

The engineers from BBMP were at the petitioners’ houses by the time the petitioners arrived at their respective houses from the court after the hearing. One of the petitioners said that he realized that the engineers were instructed to find some form of violation in the petitioners’ houses. As one of them described his experience,

“We know all of them – it was the local engineers. They were told that you have to go and find some fault [sic]. The engineer [who came to inspect] had the decency to ask me- Sir there is 6 inches extra here – can I put it” (interview, Neighbourhood Activist; Koramangala, **Appendix 1**, no.13 )”.

In the case of another petitioner:

“In my case this was different. My father built the house in 1976. We couldn’t find the plan. But we could find a letter that the BDA has written to us granting the permission. So we took the letter to the BDA and told them, ‘you are the custodians of our plans, this is the letter, now please find the plan for yourself.’ They couldn’t find it. But one fine morning comes the demolition order. That our entire building is illegal, and [that] they will demolish that.” (Interview, KI Activist, Koramangala; **Appendix 1**, no.20)

Mr Revi’s case was also not very different:

“By the time I got home from court there were four of them in front of my house. They were so apologetic- the engineers- they said we know what they are doing is very unfair [sic], so please give your sanction plan [plan that was sanctioned by the authorities]. Next morning, I went and

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<sup>181</sup> Minutes of the hearing dated 2.9.2005 on Menon (2005), W.P.no.13336/2005 signed by the CJ

gave them the plan. When we purchased the house; we purchased[sic] it from someone who had already built a house with a sanctioned plan. This was a revenue site the, and they got [the] conversion. When my house was made, this was part of Jakasandra village. The BBMP said that the sanctioned plan itself was a fake. They said [that] this was not Jakkasandra and it was part of Koramangala. The thing is, they had to get some reason –no? They asked me ‘who was this person you purchased it from?’, ‘what relationship you had with him?’ and all that. They gave me notices- three ones [sic]- the last one was the demolition order. The first one was like a show cause notice or so....So I gave replies. Then they said they have to come and measure it. I said ‘okay- do it’. After that, in the demolition order they said that that this is the portion of the building that is not conforming [sic] with the plan. He had marked it. The portion they wanted to demolish happens to be my kitchen. I went to the court- to stay the demolition. In the last hearing the judges asked, ‘what sort of an order is this?’ The BBMP didn’t even come to court. The order was written by the Deputy Commissioner” (ibid).

After surveying the neighbourhood, the Commissioner started strategic demolitions to divide the community in order to pressurize the petitioners into withdraw the PIL. Even the survey of the neighbourhood by the BBMP created unrest in the neighbourhood. As soon as the BBMP started sending notices, the people in the neighbourhood blamed the petitioners for creating such a major issue of violations. The petitioners told me that they got threatening phone calls and were even summoned by big developers and issued with warnings like “we will take care of you” and “ you have children” etc. (ibid). After the survey the Commissioner demolished three or four buildings including a small shed; an act that divided the community. This strategy of dividing the community worked very well for the Commissioner. One NGO activist in Bangalore notes that there were even demonstrations in the streets led by a local councilor against the enforcement actions based on the petition (Interview- Senior NGO Activist; **Appendix 1**, no.34).

One day during this process, the BBMP bulldozers rolled into Koramangala and demolished parts of the petitioners’ houses. This was widely publicized in the front page of the local edition of major newspapers in Bangalore highlighting that the petitioners themselves were violators. The petitioners were personally named in the newspaper articles to shame them in public. As one activist narrates it,

“The funny thing was this guy [name removed] called me one evening and he said something terrible is going to come in tomorrow’s paper and if I want, I could go and see it. So I went to his office in MG road,[and] he took me into that room where they layout the paper etc. He showed me the next day’s paper headline, and said, ‘sorry *this is what will come in tomorrow’s paper*’, and ‘*this is what the editor wants to print.*’ And he showed it to me. All of our names were there. I said ‘*that’s not true*’- he said- ‘*I know, that’s why I called you guys. Tell your people so that they are not in shock*’”. (Interview, KI Activist, Koramangala; **Appendix 1**, no.20)

These events not only made the petitioners’ life difficult in the neighbourhood, but also caused divisions among them. The strategy of *divide and rule*, turning the neighbourhood residents against each other, threatening the activists with personal harm of demolition and publicly shaming using local media worked very well in favour of the Commissioner. The petitioners decided to withdraw from the PIL.<sup>182</sup>

So the neighbourhood collectives’ first serious attempt to be a neighbourhood community monitor and act as a catalyst for plan implementation boomeranged. As Mr Krishnan puts it,

“We got screwed by this PIL. We were ten people on one side and there were 10 million people on the other side. BBMP came in front of house with the bulldozer. We were under threat. There were [sic] building lobby threatening us, there were people under threat about their lives [sic]. The BBMP changed the game- they said everybody violated and they will come and demolish buildings. From the zonal violations they shifted to building violations and this took the local population by anger and they turned against us. Our lawyer was not able to bring it under control. So we told the court that, look, we want to withdraw. The entire government machinery turned the PIL on its head and fished us out of this PIL.” (Interview, KI Activist, Koramangala; **Appendix 1**, no.1)

### **6.3.2 Impact of mutual surveillance.**

Even though some of them withdrew from such kind of activism after this experience, others continued. However, their modus operandi changed, after

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<sup>182</sup> Petitioners withdraw in building violations case,  
<http://www.hindu.com/2005/11/16/stories/2005111617450400.htm>  
How Koramangala residents set the ball rolling  
<http://www.hindu.com/2009/09/09/stories/2009090958790300.htm>

what they learned from this experience. This public interest litigation was the beginning of a formal process of a declared and publicly enacted *mutual surveillance, reverse surveillance* and pro-active engagement with the planning process in Koramangala. Even though they realized they were a bit naive about the PIL and that it boomeranged so badly<sup>183</sup>, active members of this PIL group thought that this was a beginning of change in attitude in Bangalore.

According to Mr Krishnan,

“It was a landmark case- my judgment on this, is that the word demolition is not a bad word anymore. Otherwise it was a bad word. After this, demolition became part of the lexicon of urban management in Bangalore. I think a lot of planning that has happened after that [has taken this into consideration], that this Koramangala PIL kind of thing can come up again.”(ibid)

They feel that the mixed use zoning in the RMP 2015 and the Regularization bill are also a result of this PIL. It was also reflected in the comment that a very senior urban administrator made during an interview with me, that regularization was the only way to solve the legal problems that the ground reality posed. He asked me, “What else can you do with it?”(Interview, Retired Senior Civil Servant; **Appendix 1**, no.118)

*Implementation of the law* became an impossible project for the actors in government given the scale and complexity of the problem. Such abruptly introduced mutual surveillance network can be a menace to the governing authorities and to the privatizing tendencies of the government; it seems, however, to have had an impact. When I asked a local engineer if violations still continue in Koramangala, he replied, “Now people are aware of things. It is not easy to violate now, mainly land-use regulations. Now everyone knows that people are watching.” <sup>184</sup>(Interview, Ward Engineer, BBMP, August 2010; Appendix 1, no.79)

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<sup>183</sup> As a result, one person involved in this PIL even refused to talk to me about it saying that this was a very traumatic experience and that he didn't want to revisit the events that he is trying to forget.

<sup>184</sup> Land-use violations still continue in Koramangala according to local journalist report. ‘*Continued zoning violations upset Koramangala residents*’, [Anisha Nair](http://www.bangalore.citizenmatters.in), 17 May 2012 , Citizen Matters, [www.bangalore.citizenmatters.in](http://www.bangalore.citizenmatters.in)

Mutual surveillance is about outsourcing the governmental surveillance apparatus to more micro operatives, mainly among neighbours and citizens who go about their ordinary lives. The neighbourhood as a geography of mutual surveillance was forming through such active engagements of citizens. In one of the negotiations that I witnessed in a planners office in Bangalore, a public sector employees' cooperative housing society was trying to convince the planner to approve their change of land use application without a public notification process. The group believed that the local neighbourhood would certainly object to the plans to build a marriage hall in the residential area. Even though this group came to the planner with a recommendation from a very high level government official, the planner refused to accede to their request arguing that concerned people from the neighbourhood might request documents using RTI and that if planning permission were given without the due *change of land use* process, he would be in trouble. At that phase in his career, when he was about to retire from service, he said, he didn't want to invite trouble. I heard him say, "Till now I have a clean record and I don't want to spoil it now". (Interview, Senior Government Planner; **Appendix 1**, no.114)

This conversation not only exemplifies the impact of *mutual surveillance* but also the impact of *reverse surveillance* of the state that is now enabled through the RTI. Many planning activists in Bangalore use the Right To Information Act and request documents to expose various violations in their neighbourhood and the private governance networks. These include infrastructure works that have been approved and implemented in documents but which are invisible in the neighbourhoods, and buildings and projects that do not have any planning permission at all. One activist told me that he frequently gets phone calls from landowners in his extended neighbourhood requesting him not to oppose projects that are a deviation. Some are even willing to offer many forms of incentives. He told me that one developer even offered him an apartment in one of the schemes that he was instrumental in getting declared as illegal. He said that he doesn't entertain these requests and I was driven around the neighbourhood and shown a couple of half-built and even completed projects and empty plots that he managed to challenge successfully. He tells me that

many of those landowners purchased their property at higher prices expecting that they would be able to make a profit by building higher than permitted density or by violating land-use zoning. (Interview, Local Activist, Bangalore; **Appendix 1**, no.7)

However, such activism can also be very dangerous. One local activist told me that “sometimes the engineers will come to you, knowing that you got this information, and will request you to not to publicize the information<sup>185</sup>” (Interview, RTI activist, Bangalore, **Appendix 1**, no.23); He said that in most of these cases, the engineers and contractors “will implement the projects for you if you won’t make problems” (ibid). These activists understand that a lot of information that they obtain is very dangerous to them unless they know how to use it. Given the number of RTI activists killed in India and in Bangalore in the last couple of years, such reverse surveillance of the state and mutual surveillance in the neighbourhood is indeed a very dangerous job. <sup>186</sup> I was cautioned a couple of times by the activists to be careful and perhaps it is better for me if I avoid some specific projects from my case studies altogether. As one of my informants told me when I enquired about the encroachment of a lake, “it is four figure Crores<sup>187</sup> - serious money. You better keep out of it. You might find yourself dead on the road”. (Interview, Planning Activist; **Appendix 1**, no.1)

#### **6.4. Law as an ass**

##### **From mutual surveillance to critical engagement with *rule of law* and governance**

In this section I will show how the Koramangala activists moved from a confrontational mode against the local plan violators by demanding enforcement of the law towards a critical engagement with law making. They came to the conclusion that *the law* [planning law] *itself was an ass* - as one of my interviewee remarked. Activism that demands implementation of law alone,

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<sup>185</sup> Particularly information about infrastructure projects that were only implemented in paper.

<sup>186</sup> ACHR (2011): RTI activists: sitting ducks of India, published by Asian Centre for Human Rights, Website: [www.achrweb.org](http://www.achrweb.org) last accessed 2012, Nov 1.

<sup>187</sup> 1 Crore = Approx. 200,000 USD

they figured out, could even jeopardize their cause. As Mr Revi remarks about the lessons they learned from their experience of the commercialization PIL,

“I don’t think when we come to a wall, it is the end of the road; there are other ways. Public has to be aggressive - not abusive - but consistent. When you get to such a limit- then you need to know that there is something wrong in your approach you need to change your approach. But you must get going. You must sustain your interest. We have been targeted but the guy will not stop me from going on. I might change my strategy. We are fighting a war- you might lose a battle- but you need to keep on fighting, till you finish and win the war. You must not feel frustrated.” (Interview, KI Activist, Koramangala; **Appendix 1**, no.20)

While a number of individual activists still engage with different forms of mutual surveillance confronting their neighbours, the members from KI moved on to working on law-making itself. The outcome of their PIL against violations taught them that they were *politically naïve* because instead of solving the problem of plan violation they made a number of enemies in their neighbourhood and had their own safety and reputation at stake. Moreover, the mixed-use zoning and the regularization act that followed enabled a route to the legalization of many violations. In the meantime, the members also started to appreciate the complexity of the problem. This enabled them to move beyond simple calls for enforcement of the *rule of law* to critically engage with the rule of law itself. For instance, critically reflecting on the substantive content of the planning law, Mr Krishnan distinguishes land-use violations and building violations based on relationship between law and justice as follows.

“A person who had constructed an extra room for his grandmother has constructed so, because the law didn’t allow him to do anything within the law to accommodate his legitimate needs, [portrayed as the problem with the building byelaw]. By doing this he is affecting himself, and may be his neighbour. But the land-use violation- the guy who is building a commercial land use inside a residential plot is affecting a whole neighbourhood. Water, sewage, sanitation etc., things which he was not supposed to consume, he is consuming in a manner that affects everyone in the network. One is for profit and one is for survival, let us say. So the justice as opposed to law is different. We have archaic building law – and the price of land has gone through the roof. So the law is an ass in many of these cases. The zonal planning was an ass. In the whole Indian scenario- it is due to this kind of law and bureaucracy that people make money. Nobody can follow them- because it is such nonsense. So I understand all these -[and still] within that one has to separate the

lollipop stealer from the murderer”. (Interview, KI Activist, Koramangala; **Appendix 1**, no.1)

This approach was reflected in their later decisions to engage with the law and planning frameworks itself. Explaining their rationale in continuing with their activism- Mr Revi argues,

“What we try to do in KI is to bring some sort of rationale in development. We are not experts in development, but we are taking these issues from the view point of a resident- this is my place- I have retired here, and probably I am going to die here- when I chose this place there was some rationale- about the quality of life. There was an expectation. If that is taken away then what good is living here? But why that should happen in the first place – it was promised and now it is suddenly changed. It was changed - because there is a need to develop - but it cannot happen in the middle of the road. You have to take the residents and citizens’ interest into account. Personal interest must get lower priority - common interest should get priority. Development has to be inclusive. Environment for example is very important. Making roads where pedestrians can’t walk is of no use. The [existing] infrastructure cannot take the increase of the population density here; [so they] widen the roads, cut the trees, hence, no footpaths etc. Commercialization, because some one’s commercial needs have to be met. Land value goes up. So people move out, making the neighbourhood more inhospitable. So KI take up issue that are of commons interest. When we go to the authorities, we are not approaching them in opposition. We are saying them the problem is as follows...” (Interview, KI Activist, Koramangala; **Appendix 1**, no.20)

So when the new master plan draft was released in 2005, they (the activists) took a very proactive approach to understand the impact for Koramangala. When the core group enquired about the vision that the Master Plan had for Koramangala, they argued that neither the authorities nor the consultants gave them any satisfactory answers. When they attempted to discuss the draft Master Plan with the officials at the BDA, they were asked to contact the French consultants. So they started to interact with the SCE. They argued that that the French company did not understand the realities about living in Bangalore. Mr Revi said,

“How can they give the Plan [making] to a French company? Because you took Paris as an example; Paris is Paris, *yaarr*;<sup>188</sup> Bangalore is Bangalore- two different sets of people and situations. They didn’t even know basic

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<sup>188</sup> *Yaarr* in Hindi means friend



things. Their facts were totally wrong. [Later], somebody very responsible from the SCE - after we were asking a lot of questions - told us – *‘gentlemen, please don’t ask me questions - I was asked to do this. I was told it will be done like this.’* He said – *‘please excuse me - this is the most dishonest job I have done- I was asked to do it’*”. (ibid)

When they did not get satisfactory answers, they designed a questionnaire and went to different residential blocks and explained the Master Plan and asked the residents to fill in their views. They collected more than 372 feedback forms from Koramangala residents. They also employed paid consultants to prepare the potential impact of the draft Master Plan proposals on the traffic and environmental assets in Koramangala. They compiled the feedback and made a presentation to the committee set up by the government to review the large amount of responses elicited by the Master Plan draft<sup>189</sup>. Mr Revi remembers,

“Except for Thomas, everybody was there - even the French gentleman was there, who got really upset because the committee said what we made in our presentation was correct and they started asking him questions. This gentleman from Delhi [name removed- a renowned planner and an academic] was so impressed with our presentation and report that he asked us if he could take it to Delhi to show his students. This French gentleman [the consultant] was very upset; he asked- *‘what can I do?’* Then [name removed] told him *‘if that’s your view then you should resign- why are you continuing to make money out of this?’* Then he started disagreeing with us on things. [Name removed] said that *‘it’s very well to say I am helpless about this, but if you are really conscientious about this, then please leave. Don’t do this.’*” (ibid)

The group argued that even though the studies recognize that Koramangala is one of the most congested and crowded parts of Bangalore, the MP proposed more densification and a wide range of land uses in Koramangala. They questioned the rationale of the environmental plans, land-use zoning strategy and the traffic plans. For example, they pointed out to me that one of the massive mass transit hubs proposed along one of the high streets in Koramangala form the basis for the many land-use changes proposed. However, given the fact that this transit hub is not there yet and since there is no proposal for its implementation, the group argued that the land-use and densification

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<sup>189</sup> The PSS Thomas Committee under the chairmanship of PSS Thomas was appointed to review the public comments on the draft Master Plan by GoK. It received 7200 comments on the MP from the public and various other agencies of which about 1000 were from Koramangala. (interviews with government planners, KI, and Thomas 2005)

proposals in the Master Plan for Koramangala were irrational. Mr Arumukan argues,

“The way they justified this huge commercialization in Koramangala is by saying this area [will be] a traffic interchange. There was a big plan of four stories underground, where the buses will arrive, and this will arrive, and that will arrive, and everybody changes, and there is multi-story car parking and you can go home. None of that is there. They have actually shown on the CDP, the roads that really don't exist.” (Interview, KI Activist, Koramangala; **Appendix 1**, no.20)

They pointed out in the discussions that various road proposals in the draft Master Plan cannot be implemented because the land on which it was proposed belongs to the Defense establishment. Further, they argue that the Master Plan draft neither had any proposals for augmenting the services and infrastructure, nor any investment plan or budget allocation required to support the densification and mixed land use. The group argues that they conducted extensive discussions with the BBMP, fire and traffic police who claimed that they had nothing to do with the plan. Mr Arumukan continues,

“60% of the water pumped out in Koramangala goes to commercial. There is no increase in the input into the system. So we get water only once in two days. Many houses have serious water problem, especially further down. The entry point for water is concerned is HSR layout. Apartments depend on tankers - it cost less also. While we were negotiating - everyone changes - the Principal Secretary and all- and within 3 days the MP gets sanctioned. The BBMP says *'this Master Plan is not implementable. Transportation hub, increase the water and so on - how can we increase the water sir?'* If we go to the police, they say, *'we have nothing to do with the plan'* and this traffic is all on our head- *'so don't talk to us...[about] that- we are so busy managing this mad traffic- we don't have anything to do with this'* [Master plan].” (ibid)

When I pointed out that the mixed land-use proposal would help to increase the land value and that a number of people in Koramangala would benefit from that, Mr Arumukan replies,

“It is difficult to address. It's a very direct capital access. My neighbour - his house has become a service apartment. We are friends...like good buddies...there are clashes of interest. Hence you need to have some law and order and some planning. You can't say anybody [can] do anything for their personal benefit. Then it will be like jungle.” (ibid)

Even though traces of NIMBY-ism can be visible in some of their remarks, largely their concern could be identified as the result of a perception of lack of planning and a framework to negotiate between contesting interests in the city. They felt a void in the space of the state when they went around representing their concerns. For example, among the various officials to whom they represented their version of the shortcomings and inappropriateness of the Master Plan were the Principal Secretary, the Chief Minister, the Chief Secretary and the Development Authority officials. Between 2005 and 2007, since Karnataka was in Governors rule, they met the Governor of the State. According to them, the governor's advisor on urban development despite earlier promises "could do nothing." (ibid)

So not only that they did not get any relief but one by one most of the officials they were engaging with also got transferred during the period of two years before the state government released the final Revised Master Plan (RMP2015) in 2007. Within these two years the plan had a full life transforming itself inside the closed doors of the BDA, that which the KI members thought were worse for their neighbourhood and for the city in general.

These experiences led them to develop the impression that plan-making itself in Bangalore is corrupt. Many activists in Koramangala developed a fundamental mistrust about the planning system in Bangalore, especially after their experiences of the PIL and their engagement with the planning authorities in the case of the Master plan. For example, when I asked them why it is that no one in a powerful position and sympathetic to the residents case was able to do anything, I got the following reply,

**Mr Revi** - "It is all about money. Which political party doesn't take money now? So everyone is involved. Look at their assets- 5 years ago and now. It has increased enormously. Look at the property boom that took place. If you go outside my house, it was a wetland. The water from the ST Bed and the city market area came through this wetland before it drained into the Bellandur Lake. Aswhini layout [next to Koramangala Layout] floods because there is no drainage. There is no planning. If you have 20 Crore<sup>190</sup> rupees and if you want something, it can be made in the

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<sup>190</sup> Approx. 4,000,000 USD

Plan. They took out large chunks of green belt. People went and paid money to remove their land out of greenbelt. (ibid)

**Mr Arumugan** - Citizens can get involved and make things work better and effective if the government wants it. But in this case the government wants in different ways - it is [a case of the] fence eating the crop. So you can't fight the government. So whatever you do, finally the government does whatever they want and they don't want to be part of what you are doing. I will tell you a personal story. The outer ring road was supposed to continue to meet the Hosur road<sup>191</sup>. There is a big [name taken away], apartment near this area. We went to look at a flat here and that's how I know the story. I asked this guy, '*somewhere here is supposed to be a ring road, do you know where it is?*' He very proudly told me that the ring road was supposed to be there where that apartment was standing - [exactly] where we were sitting then. But, he said, '*we managed to block it for three years and finally, we paid the money and took it out of the map.*' So this is what is happening. Nobody is interested in development". (Ibid)

Their mistrust about the political administrative system was exemplified in the comment one of the activists made about a senior politician in Bangalore. He said to me, "[name removed] said, '*I am the son of the soil*'. He is, yes, but unfortunately he is the son of the night soil". (ibid) This deep mistrust that developed as a result of their engagement with the government encouraged them to move beyond negotiating with *administrative channels* to work using *legal channels*.

#### **6.4.1. From administrative negotiation to legal activism**

The activists filed a PIL against the Master Plan at the High Court of Karnataka using the banner of Citizens Action Forum, a large citizens' collective in Bangalore that include a large number of RWAs as well as citizens as its members. The petitioner list included the Citizens Action Forum, resident welfare associations, and many individual residents of Bangalore (including some RTI activists, retired army personnel and ex-corporate employees). This banner not only enabled them the invisibility<sup>192</sup>, but also allowed them to stir up a debate that was wider in geographic scope than restricting it to their neighbourhood. This PIL questions the RMP 2015 from a variety of angles,

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<sup>191</sup> **Map 6, p 172**

<sup>192</sup> Compared to the commercialisation PIL when the petitioners were targeted specifically by the government

much beyond the normal rhetoric presented by the literature on middle class activism on Indian cities. Their petition argued that the Master Plan is unscientific, haphazard, and illegally made without any application of the mind and to appease the *property and construction lobby*. For example, section 33 of their petition states that,

“The Revised Master Plan, 2015 formulated by the... [BDA] and the approval granted by the...State Government...are illegal, without jurisdiction, arbitrary, mala fide, unconstitutional and ultra vires.” (CAF 2008)

They argued that the plan not only did not consider any citizen’s response to the public consultation draft but also did not take into consideration the recommendations by the expert committee and did not consider the suggestions and objections from the BMRDA.<sup>193</sup> They argued that the plan was illegal because the BDA did not have the powers to make and approve the plan without the approval of the BMRDA and hence it violated many sections of the Town and Country Planning Act and the BMRDA Act. The petition argued that that the plan violates Article 21 of the Indian Constitution that ensures safe and healthy life for its citizens as well as the 73<sup>rd</sup> constitutional amendment which stipulates decentralization of planning responsibilities to elected local governments. They questioned the fact that a foreign consultant who did not have any ground knowledge was awarded the preparation of the master plan without inviting proposals through a wider tendering process. The petition also questioned various substantive proposals in the Plan. For example, section 30 from their petition states,

“Further, large scale conversions and illegal usage of land use violate the Right to Life enshrined in Article 21 of the Constitution of India, *inter alia*, by causing pollution, threat to ecology and environment, stress and public inconvenience and lack of peace and comfort. The Revised Master Plan 2015 seeks to give credence to these very illegal actions through its proposal of Mixed Zones, commercial axes, mutation corridors etc. Further, the readiness with which the third respondent has sought to introduce mixed land use in pure residential areas is merely an attempt to disguise its inability to check the illegal change in land use, rampant in the city.” (ibid)

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<sup>193</sup> PSS Thomas committee

They also challenged the RMP on the grounds that it not take into consideration the recommendations made by the government-appointed committee on lakes and tanks in Bangalore.<sup>194</sup> This committee stipulated that lakes, tanks, natural valleys, canal network and wetlands in Bangalore should not be converted into housing layouts and proposed to declare them as protected zones. However, some of the wetland areas appear as *built up* and earmarked for *residential land use* in the final RMP 2015. So they argued that the operation of the RMP be stayed till the issues raised were cleared.

These issues of environment and ecology called for local government to be part of the planning process, and questioned the highhandedness of the BDA in rejecting the suggestions made by other government institutions and expert committees etc. It can hardly be understood as pushing the poor out of the city through collusion with the state or as being only of middle class interest. What is evident here is a confrontation with the privatizing networks in Bangalore's planning and governance system that has exerted enormous influence on the Master Plan. The point I wish to make here is that the experience of the commercialization PIL and the activists' engagement with the master planning process gave them an impressions about the nature of the law, the plan, planning and governance and transformed the nature of their activism itself. This move beyond neighbourhood surveillance to challenging the Town and Country Planning Act, the Master plan etc., I argue, is to be understood as an emergent and new kind of neighbourhood activism in Bangalore. In the next section I show how this planning collaborative emerged and operate in Koramangala.

### **6.5. From a confrontational legal activism to an activism of politics and networks: an emerging *Activist Planning Collaborative*.**

Even though the group moved on from working with the administrative route to using the legal route, they became more aware that legal activism had found limited success in Bangalore. The group came to believe that one needed to be

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<sup>194</sup> The Lakshman Rau Committee 1983-identified the extensive lakes and tank encroachments in Bangalore and proposed a series of measures to the government to save the wetland system that sustains the ecology and hydrology of Bangalore. (Rau 1983)

more hands on in order to get outcomes on the ground. A court order was not even the beginning of a solution to a problem. So, I will show in this section how this group moves from a litigation process to a more hands on engagement with the planning process using diverse means - in particular, *political means* - involving more complex collaborations. For this I will discuss how this collective worked to restore two open spaces in Koramangala: a park and a lake. Through this, I will show how the collective adopted more pro-active and complex forms of collaborative activism that involved legal, confrontational and various means of political networking as a means to achieve favourable planning outcomes.

#### **6.5.1. The legal, administrative and the political in the Third Block Park.**

Urban open space is one of the most important sites of contest in Bangalore, especially in Koramangala. Parks and space for neighbourhood amenities earmarked in the BDA layouts usually disappear through various allocations by the government which has attracted a lot of local activism in Bangalore in the last decade. One of the landmark judgments as far as Koramangala is concerned was the prolonged litigation about the so-called *Third Block Park*. (**Map 6, p173**)

This litigation began in 1992 and ended in 2001, resulting in a High Court judgment that directed the BDA to conserve all available open space in Koramangala as open space and not to allot any more open space or sites reserved for Civic Amenities in Koramangala for any activities other than parks and play grounds (Judgement in Heble 1992 by Khurana and Manjunath 2001).

The judgment directed that,

“In the interest of general public, in order to see that the residents get a minimum area of lung space in the Koramangala layout, we are of the firm opinion that all civic amenity sites though earmarked for different purposes shall not be allotted in future and the same are to be maintained either as park or playground in order to raise the lungs space of 3.97% to 6.7%” (ibid).

This judgment was the result of a petition to the High Court when the residents of Koramangala challenged the BDA's decision of allotting existing open space

for an eye hospital, a Kannada-medium school<sup>195</sup>, and a community hall. The residents argued that this allotment was just smoke screen for land grabbing <sup>196</sup> designed by highly placed politicians and their networks. As evidence, they pointed out that the trust that wanted to promote the Kannada-medium school was connected to a prominent politician in Karnataka. Of all the places available, they asked me, why did the promoters want land in the Third Block (one of the richest neighbourhoods in Bangalore), from where children are unlikely to join a Kannada-medium school? They also pointed out that the letters sent to the eye hospital group by the High Court returned because the addressee could not be found. Therefore, they argued that this proposal was a clear case of grabbing public land in the name of non-existent charitable entities. In their petition, operating through a local activist lawyer, the residents argued that according to the original CITB Act (based on which Koramangala was developed) residential areas should have 15% open space for parks and playgrounds. Further, according to the BDA Act that came after the CITB, there should be at least 9.8%. Instead, during the hearing of the petition, the open space ratio in Koramangala was just 3.97% (Heble 1992). They argued that even if all the existing open spaces in Koramangala were preserved as open spaces, still the proportion could only go up to 6.7%. Therefore, they argued that the land parcels reserved as a Civic Amenity site should not be allotted further but rather should be preserved as open space. They argued that not only this site but also every other open space in Koramangala – parks, playgrounds, and Civic Amenity sites - should be preserved as open space to reach this 6.7%.

The court negotiated a deal between the residents, the allottees and the BDA Commissioner, and reached the above-mentioned final order to restore all Civic

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<sup>195</sup> The local language of Karnataka

<sup>196</sup> Parts of the interview, with neighbourhood activists, - “*This property is about 1-1.2 acres. They might pay 6 lakhs/year for a 30-year lease. It is now worth 100 crore, and this lease thing is only on paper- it will get renewed. For example, the Reddy school, is renewed again. Koramangala club for example operate from a CA site. It will cost 6 lakhs to get a membership in the club. It is a proper commercial establishment but operating from a CA site. Similarly, the Cosmopolitan Club was also trying to renew their lease. All of these guys are on long-term lease. BDA has the right on what they want to do. They can sell it for 2500/- sq foot or less when the land value here is about 10,000/ sq. feet. The Cosmopolitan Club- they are making 25 lakh a month and more than 3 crore an year but paying 6 lakh per year to the BDA. So some percentage of the rest is going to someone higher ups. BDA is a vehicle of the politicians to make money*”.



Amenity sites in Koramangala as open space. However, the judge allowed some space for the Kannada medium school as part of Civic Amenity site 39a and some parts of CA site no 42.<sup>197</sup> The residents think that this court order has put the Ananda Education trust<sup>198</sup> in a tight corner and that they are unlikely to build anything there; if the trust wants to keep the site, they will be compelled to build a Kannada-medium school which is unlikely to attract any students from the surrounding area.

During the hearing of this petition, the BDA commissioner personally agreed to this deal in the court. My research into the detailed process of arriving at this deal suggests that this deal was made possible because of the many forms of informal collaborations between the BDA administration at that point in time and the appellants even before the case came for hearing. The fact that the Commissioner personally committed in the court that 6.7% open space could be achieved in Koramangala if all available Civic Amenity sites and non-residential open spaces in Koramangala were reserved made this deal a very important one for the residents. This judgment became a central reference point for the other struggles for open space in Koramangala.

Even though through this judgment the open space was reserved, it took many more years and a complex level of activism to convert it into a park. I asked the group of third block RWA activists during my interviews in 2010 why nothing happened between 2001 and 2009. One prominent activist, who has also been part of the Koramangala commercialization PIL replied,

“Today people think that just because they got a court order, the problem will be solved. Yes- you have the right. But in many cases this right will not get converted into reality. Court is not an implementer”. (Interview, Neighbourhood Activist, Koramangala; **Appendix 1**, no.13)

So they decided to take the role of local implementers. When the judgment came out in 2001, the playground had a temporary cricket coaching academy operating inside. Over the years from 2001 to 2009, it seems this academy grew

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<sup>197</sup> Survey numbers from the plan.

<sup>198</sup> Promoters of the Kannada-medium school

from 3 pitches to 9 pitches and the person running the academy started taking over most of the playground. They noted that hard-ball cricket (as opposed to soft tennis ball) progressively made the environment inside the park unsafe, especially for the children and the elderly. The residents argued that even though the person running the academy had only a letter from the BBMP which merely stated that he could use it without disturbing others; he denied entry to local residents. He also seems to have used government money to build a small building inside the park to store the equipment.<sup>199</sup> The activists realized that they had to confront this person if they wanted to realize the park. When they found out that this person was politically well-connected, they decided to move differently. As one activist put it,

“A few of us came to the conclusion that you have to get the support of political people and local people [simultaneously]. We realized that we have to move in all fronts. We met the MLA- he kept nodding his head- he was like- who are you representing- you know, the number game was going on in his head. We have about 400 households in the Third Block Association- about 700 members now. We have a loyal group of about 150 households who always support us. The cricketer was like- I am giving free coaching here. Even though he was giving free coaching, [to some] he was charging a lot of money- I used to send my boy- I used to pay 5000 rupees. Basically it was greed. Even the MLA looked at its social cost. We wanted a park - and people here didn't have a playground. Only because of [name of the litigant of 1991 case] that this place remained open till now- so a lot of people were coming here to play. So the MLA also got interested in this. The MLA said, '*let him continue his coaching*'; we said '*no*'. So during the Independence Day, (August 15<sup>th</sup>), we put our flagpole here, in the middle of his pitches. Actually we wanted to prove a point. Then the MLA advised us to shift the pole to some other place and not to get into controversy. We said, '*he is encroaching, Sir*'. His [the cricketer's] aim was to get the whole place as cricket academy. This complexity happened 2 years back [2008] on 15 August. Usually the MLA comes and mediates the conflict, [because] he [the cricketer] also had good contacts with the Commissioner of Police, BBMP and so on. So [for example], the demolition guys will come here and then go back without demolishing anything. But then on 16<sup>th</sup> August, he [the cricketer] got a bulldozer to level the place to make concrete pitches. So [name removed] called up the MLA. He didn't pick up but then morning at 8 o'clock, he [MLA] returned the call. When we explained [to] him that there are this [sic] heavy equipment here etc.; within couple of hours he [MLA] turned up with about 30 people. This fellow [the cricketer] is also not an angel- he had about 60 people here

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<sup>199</sup> At an expense of 18,000 USD; Details of which my interviewee obtained through RTI Act showed to me

too from the locality- he was also local. We [the residents] were only 3 of us. The MLA got furious. He called up the local engineers and said *'I'll pack all of you guys, if you don't do anything- this fellow is encroaching the place- how come you are not doing anything about it.'*" (ibid)

This, my interviewee notes, was the end of the cricket academy.<sup>200</sup> It can be seen that the residents combined administrative, legal as well as political means in order to get the outcome that they wanted. This becomes clearer in the following examination of what happened afterwards in the case of the park. Once the cricket academy was pushed out, the residents started working towards getting the park in place. This involved negotiations about the boundaries of the park and playground, and to ensure their involvement in the design of the park and the playground. The activists themselves told me that the division of the open space as a park and a playground was carried out by the MLA in the presence of the residents who were negotiating with him. The main point that the activist wanted to communicate to me in narrating the story was that,

"The judgment did not give us a park. It only said that this couldn't be used for other purposes. The park doesn't happen through such judgments. All of these got done due to the active participation of the residents. So after this experience a few of us decided that now, we have to matter. In the last corporation election, a few of us got together and got 700 winning vote for the local corporator [councilor of the same party as that of the MLA]. A few of us openly campaigned- we knew that this man was openly supporting us. And it is our way of telling thanks. At the end of the day a politician needs recognition and votes." (ibid)

Parts of this conversation happened inside the Third Block Park. I found that the park was very well used for evening walks, jogging and socializing by different age groups. During the conversation, I met a number of people who were directly or indirectly involved in various stages of this activism, who took time to say hello to me and gave their version of the story too. At that time, the residents were supervising construction activities inside the park, for example the laying of the lawn and tiles for the walks, masonry and conversion of the building inside the park as a library. The residents seem to have taken up

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<sup>200</sup> I was told later by one of the local activist that another Civic Amenity site was allotted for this cricket academy in a nearby layout I could not verify this claim during my fieldwork

different responsibilities. I also saw that some of the residents were distributing pamphlets to the walkers about responsible waste management.

Trusteeship of the locality was evident in the way these resident activists engaged in the neighbourhood. For example, after one of my discussions I went with them for a meeting at the local police station for a workshop on neighbourhood security, convened by the Deputy Commissioner of Police. Another example: during my conversation with a local activist, a couple of young men who were playing cricket in the nearby playground accosted the local resident activist I was talking to and asked if they could conduct a cricket tournament in the playground the following Sunday. The resident activist replied,

“We don’t own this place, we are only caretakers. You have to go to the local BBMP office and fill a form, pay the money and then, for that day you can have the place. But please make sure that you don’t get loud speakers that will disturb the neighbours and you don’t play hard ball cricket.” (During a meeting in the park, **Appendix 1**, no.9)

This example shows how the neighbourhood activists moved on from a confrontational legal fight to more collaborative and politically savvy methods of neighbourhood activism and planning engagement. This *moving in all fronts* meant negotiating with the local engineers and contractors, higher officials and bureaucrats in a variety of government organizations like BBMP, BDA, BESCOM, and the police; raising money from the local residents; networking with local political brokers for right contacts and introductions and senior politicians and elected representatives; and hands on engagement with a view to implementing projects.

Such a transformation in their activism can be understood to have emerged after the bitter experience of the Commercialization PIL. When I asked the activists about the major lesson that they learned from the Commercialization PIL experience, I was told that they realized that they, “were politically naïve” (multiple interviews with Local Activists). They discovered that using political connections worked much better than resorting only to legal and

administration routes. Emphasizing this point about the efficiency of the political route, an activist remarked,

“He [politician] has his means of getting things done, and if he needs our help in something we do that for him. He is able to move things because he has authority over these people. So he gets it done. That is a better route now. Some of the things are being done unofficially because he is an MLA, so he can get things done unofficially, i.e., not using the official machinery, and paper work and so on... some of it he can bypass...how the hell [can] people do otherwise?” (Interview, Local Activists, Koramangala; **Appendix 1**, no.19)

The activists behind the Third Block Park perceive that multiple forms of engagement were crucial in achieving their outcome. This included using personal networks, legal representation, invoking the relevant sections in the planning law, local confrontation and negotiation, forging political affiliations, invoking electoral implications, pro-active engagement with administrative apparatus, neighbourhood mobilization for support and funding, leadership and even engaging in project design strategies. In the case of the Third Block Park discussed above, the activist group included those who had learned a lot of lessons from the commercialization PIL, lesson which were successfully deployed in the Park activism. The open space thus reclaimed is currently a playground where a motley crowd plays tennis ball cricket (and not wealthy kids engaged in net practice), where the residents socialize and walk, and the open space contribute to the city’s [green] lung space. This definitely has citywide implications. Furthermore, such strategies of working with government and non-government actors as a *negotiating planning collective* against the privatizing governance networks was being deployed on projects that have Koramangala- and Bangalore-wide implications. I shall demonstrate this in the following case study.

### **6.5.2. Emerging neighbourhood planning collaborative: Mestripalya Lake<sup>201</sup>**

By examining details of the activism that attempted to restore a local Lake, I demonstrate in this section how local neighbourhood activism in Koramangala

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<sup>201</sup> Parts of this section are taken from my paper, Sundaresan (2011). Many sentences appear as they are in the paper.

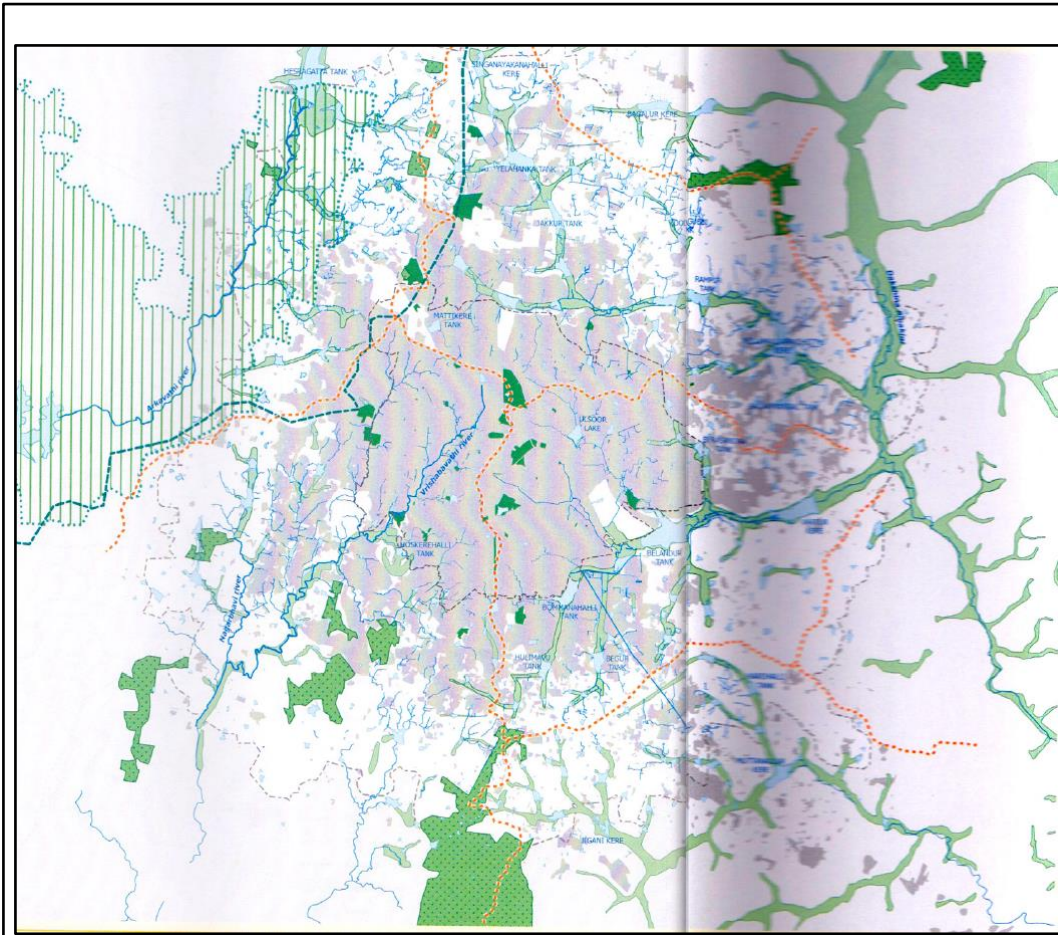
has transformed into a pro-active planning collaborative that works towards particular public interest outcomes by *moving in all fronts*.

Mestripalya Lake (**Map 6, p173**) in the middle of the wealthy Koramangala neighbourhood derives its name from the adjacent Mestripalya village. Currently it is a disused wasteland used for dumping the waste infested with poisonous snakes and sewage. Furthermore, about fifteen families who claim to be poor people from the Mestripalya village live in 8' x 10' pucca (concrete structure) cement block single room structures scattered in the lakebed. Like any other water body in Bangalore, Mestripalya Lake can be understood only within the context of the intricately interlinked wetlands network in Bangalore. The human settlements ecology in Bangalore, many studies note (Nagendra, 2010; Gowda and Sridhara 2007), is integrally related to its hydrological profile, i.e., its drainage valleys and the topography. Hundreds of lakes dotted the regional geography of Bangalore once of which only a small number survive now.<sup>202</sup> Initially, many of these tanks were built to irrigate the surrounding farmland and as source of water for the adjacent villages. Many lakes in the Bangalore region were hence integrally linked to the village settlements next to them; some of them are even named after the villages. These lakes are intricately linked through man-made drainage canals and the three natural valleys of Bangalore<sup>203</sup>. (D'Souza, 2006; D'Souza and Nagendra 2011; Gowda and Sridhara 2007; Nagendra 2010; Sudhira et al 2007). Hence lakes in Bangalore are both local and regional entities at the same time and as a resource on which the regional drainage system and the microclimate of the city depends. The lakes play an important role in the social and community life of neighbourhoods as well as the ecological life of the region. Located within the regional drainage system, every lake is integrally connected to its inlet and outlet, catchment area, edges, socio-cultural and ritualistic elements and the village settlements associated with it.

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<sup>202</sup>(Nagendra, 2010) note that there are about 210 lakes located within the administrative boundary of greater Bengaluru and Gowda and Sridhara, (2007) notes 262 lakes within the Bangalore metropolitan region.

<sup>203</sup>Lakes vary in area from less than an acre to hundreds of acres.



Regional Drainage Valleys and Water systems network: Bangalore  
 Source: RMP 2015, BDA (2007)

Map 9



Many studies note that the lake system in Bangalore has been damaged in the recent decades and that it has impacted the urban socio-ecology, (D'Souza 2006; D'Souza and Nagendra 2011; Gowda 2007; Nagendra 2010; Sudhira et al 2007). The lakes have been filled up both by private landowners and the government organizations that are its custodians, or encroached on by developers. Both government- and private-built housing layouts, bus stands, commercial complexes and offices, public halls, markets and so on, have reclaimed the lakes. Lakes are also used for the disposal of untreated and partially treated sewage due to lack of network capacity. Traditionally, lakes are maintained by community groups from the villages; after the formation of Karnataka State, these lakes were embedded administratively within a maze of institutions: the Minor Irrigation Department, Karnataka Pollution Control Board, Karnataka Forest Department, Bhruhat Bangalore Mahanagara Palike, Bangalore Development Authority, Department of Revenue, Lake Development Authority and so on.<sup>204</sup>

CITB developed many residential blocks of Koramangala housing layout by acquiring hundreds of acres of agricultural land in 1963 from Mr Rameshaiah<sup>205</sup> who used to be the *Jodidhar* of Mestripalya village (Bhan 2005; Raveendran 2010).<sup>206</sup> Mestripalya Lake acted as one of the irrigation tanks for the surrounding agricultural lands until then. The villagers used to work for Rameshaiah's family as agricultural labourers.<sup>207</sup> The lake not only acted as a water source for the Mestripalya village and Rameshaiah's agricultural lands, but also was integral to the socio-economic, political and cultural life of the people. For example, on the banks of the lake were the village's sacred groves (*Gunduthoppu*) and *AshwatKatte* where the village Panchayat were held under

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<sup>204</sup> While the Minor Irrigation Department took care of the lakes used for irrigation, the BDA and BBMP developed and managed the so-called urban lakes. The Lake Development Authority was formed by government in 2005 as a society [Indian term] without executive powers to take care of lakes in Karnataka. Forest departments developed some lakes and handed it over to the BBMP or BDA. The Department of Revenue owns the land in which lakes are located. See D'Souza and Nagendra, 2011 for a detailed discussion.

<sup>205</sup> Name changed

<sup>206</sup> Tax collector

<sup>207</sup> Source –interviews with villagers.



the banyan tree in front of their gods, and the *Achkat* areas<sup>208</sup> were villagers used to farm, sustained cattle and fishing.

Land acquisition for Koramangala layout not only transformed the livelihood of Rameshaiah and the Mestripalya village but also their relationship with the lake. Most people living in the village now work in the informal service sectors as informal traders, household helpers, gardeners, construction labour, drivers and so on. While some villagers claim that the lake is an integral part of the Mestripalya village, Rameshaiah claimed that it was his ancestral property, and the government maintained that it has always been a government property.

A long legal battle between Rameshaiah and the Karnataka State government regarding the ownership of this 18 acres of land ended in 2010 when the Supreme Court declared that the land was government property. Two separate yet connected litigations need to be understood in this case.

In the first litigation that concerns the water body, the judge ruled that Mr Rameshaiah could not prove beyond doubt that this was his ancestral property (Raveendran 2010). Even though one of the documents presented as evidence by Rameshaiah during the trial mentions the word *private* along with the name of the tank, the judge ruled that it was insufficient to prove the ownership of the land. The judgment notes that this could have been a case of a private party building and maintaining the tank (water body) for irrigation purposes on government land, a practice of the kind prevalent during that time. The government lawyer argued that the land was always government property and so was never acquired during the acquisition process in 1960s. The judge ruled that building or maintaining a tank (water body) does not give the right of ownership to the land, and that any land that is not private belongs to the government.

The second litigation concerns the land along the lake edge that the villagers claimed was part of the village *Gunduthoppu*.<sup>209</sup> Rameshaiah argued that the

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<sup>208</sup> Agricultural areas irrigated by the Tanks.

CITB had promised that this land parcel would be re-conveyed to him as a compensation for the land that he lost for Koramangala layout. In his High Court petition, Rameshaiah argued that he should be given a possession certificate for this land based on the promise made by the CITB. In the 1974 layout plan for Koramangala approved by the CITB, this particular land, in fact, was shown (as) separately reserved for re-conveyance.<sup>210</sup> However, the Bangalore Development Authority, who took over the planning responsibilities from CITB in 1976, did not give effect to this promise. Based on a series of high court judgments delivered around that time, they argued that “land acquired for a development scheme could not be returned or re-conveyed to the owner, and that it must be applied for the purpose for which it was acquired” (Bhan 2005). The High Court and subsequently the Supreme Court upheld this view.

Many of my interviewees pointed out to me how in the last four decades of this litigation the successive governments were not consistent in pursuing this litigation; they argued that it depended on the political equation between the litigants and the government actors at any point in time. It was widely believed in Bangalore and in Koramangala that these litigations were driven from the backseat by developers who had entered into agreements with Rameshaiah. During my fieldwork, I met developers who admitted that they had entered into a General Power of Attorney<sup>211</sup> with Rameshaiah to develop these properties. This meant that once the land became Rameshaiah’s after the litigation, then the developers could build on it.

When the local activists came to know that the land adjacent to the Lake was likely to be allotted as residential plots after being restored to government ownership - and in particular to the Members of the Legislative Assembly (to be known as the MLA Layout) - they filed a Public Interest Litigation at the High Court of Karnataka (CAG 2005) under the name of the Citizens Action Group. In the petition they argued that on 11.10.2005, the Koramangala Initiative had

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<sup>209</sup>Sacred grooves.

<sup>210</sup>As mentioned in the judgment

<sup>211</sup> General Power of Attorney (GPA) given by a landowner on his or her land to a second party allows the second party to develop the property (or engage with the property as allowed in the GPA .

made a representation to the BDA requesting the Commissioner not to allot the said lands measuring 6.21 acres to any housing developments. In their letter they argue that they brought the attention of the commissioner to the already existing High Court judgment (judgment on Heble 1992) to keep all Civic Amenity sites and open spaces available in Koramangala as open space to bring up the percentage of open space in Koramangala to 6.9%. Irrespective of the already existing commitment made by the BDA commissioner in court and the court directive not to convert any more CA sites in Koramangala for residential or other purposes, they pointed out that BDA's RMP 2015 earmarked both the land parcels – the tank and the adjacent land - for residential development. Drawing on the Third Block Park case, and the Lakshman Rau (Rau 1983) Committee report on lakes and wetlands, the petitioners asked that the Court issue a directive to the BDA not to allot the land for any private parties, and that it should be kept as open space and restored as a lake.

They argued that lakes are of high importance for the eco system of Bangalore, and quality of life in the city and their neighbourhood beyond just their aesthetic value. They pointed out the impact of floods in Bangalore in general and in their neighbourhood in particular as the result of damage to the wetlands. They argued that together, these two land parcels were part of what was called the Jakasandra tank which “helped to check rain water flow and maintain adequate ground water levels in the city”.<sup>212</sup> (CAG 2005) Their petition sought the court's directive to prevent any allotments of this land for housing and to preserve both as a water body. After the hearing, the court ordered that BDA should not allot any portion of this site to any parties.

When I asked a local activist lawyer who has been spearheading this case right from the beginning how she decided to get involved in this case, she told me that *her contacts in government* informed her that this 6.21 acres of land has

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<sup>212</sup> Section 2 in application for direction at the Supreme Court of India- in the civil appeal in the case of no 1588-89 of 2008, in the matter of Hanumaiah and others vs the Secretary to GoK and others, and in the matter of citizens action group as applicant for directions. And Section 13 in the Writ Petition.no.24768 of 2005- in the High Court of Karnataka- between Citizens Action Group and others and Bangalore development authority and others.

been restored to government ownership as a result of the litigation between Mr Rameshaiah and the State of Karnataka. Her contact informed her that the only way to prevent this lake from being allotted as developable land to private bidders was if the local residents acted quickly with the help of the High Court. Otherwise, it seems there was *pressure* to allot this piece of land as residential plots.<sup>213</sup> With this information, the lawyer-activist then approached the other activists in the locality asking if they could act as clients in the case. Even though the case was filed in the name of the Citizens Action Group, the Koramangala Initiatives activists got involved in the litigation. As one of the members of the Koramangala Initiative said, “This was a parentless baby. So when we were asked if we could take it up as a client we readily agreed” (interview, Local Activist, Koramangala; **Appendix 1**, no.38). When they were working on this case, (Land adjacent to the water body), they said that *they stumbled upon* <sup>214</sup> the litigation about the Mestripalya Tank. So they decided to get closely involved and observe the Mestripalya Tank ownership litigation in the Supreme Court. , Through KI, this collective appealed to become a third party in the Mestripalya Tank case. Even though the court declined this request, their lawyer was allowed to sit as an observer.

A wide range of complex micro-negotiations and alliances and networking emerged in the process. To be brief, in that process they found out that a small number of frustrated government officers were also interested in saving the lake. They networked with these government officers and worked as an informal team to save the lake. With the network’s contacts in Delhi they found out that the case was coming up for final hearing at the Supreme Court, and that the government lawyers were not representing the case strongly. They found

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<sup>213</sup> Such informal alliances between the government officials and local activists to save public commons are not only specific to this case. Another activist told me, for example, that a number of *changes of land use* cases that he appeals against are also enabled through the tips that he receives from the officials and planners in government. He was not sure, however, how many of these government officials genuinely meant public interest and how many of them are using him to gain more value in negotiations, or to settle their past scores. Nevertheless, he finds these collaborations very useful because they enable him to get insider access that improves the efficiency of his activism. For example, through his networks inside the government, he finds out the existence of and the exact location of a specific file which then he can request through the RTI act. This can then significantly contribute to the litigation that he or his friends may be involved with. With his network he usually helps many of his activist friends to access specific files through the RTI process.

<sup>214</sup> This was the word used to keep the source of their information anonymous

out that the legal department of BDA was under-resourced and probably also under pressure not to pursue this. So they worked closely with the concerned officials from various departments of government to put pressure on the BDA and other *relaxing networks* within the government. Lawyers in this network took the lead and put together a case file and organized a private lawyer to fight this case in the Supreme Court on behalf of the government. Government officials took the lead in writing official letters and pressurizing BDA, Department of Revenue and other departments to put together case files, facts and court representations. Those who had money funded this process; others who could spare the time did the running around. To sum up, a variety of such actions led to the judgment that helped to restore the public ownership of the lake. From previous experience of the Third Block Park discussed above, this informal network knew well that a court order was only a document in the case of Bangalore and that it did not ensure anything; they would have to work on this more directly and in a hands-on way especially because this land had been earmarked as residential land-use zone in the current Master Plan.<sup>215</sup>

Armed with a previous court order that instructed the government to reserve all available open space in Koramangala as open space (Kurana and Manjunath 2001), they worked towards restoring this as an open space. Drawing on various studies and articles, they argued that restoring this lake was important for the socio-ecology of the neighbourhood and for the ecological stability of Bangalore. Using their social and political capital they managed to get the commissioner of Bangalore Development Authority and politicians to visit the place, commit to the project and instruct their officials. They managed to get the BDA commissioner to commit to reversing the land-use category in the Master Plan from *residential* to that of a *lake* and published it widely with the help of blogs and newspapers. For this they engaged very closely with one of their friends in the locality who is a politician and also with the many officials in government sympathetic to their cause. Using this social and political capital they negotiated with the administrators, planners, engineers and officials.

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<sup>215</sup> Recall the discussion in Chapter 5 on the politics of the classification of lakes, wetlands and valley cones into buildable areas. During my fieldwork I tried to find out the specific negotiations behind this parcel of land that enabled the zoning of this into developable land. However, I was unsuccessful.

They organized together as a technical team, which included ecologists, landscape architects and met frequently to develop a concept plan for the lake restoration. This concept plan was later handed over to the decision-makers. After accepting their concept plan, the BBMP awarded the preparation of a Detailed Project Report (DPR) through a tendering process to a non-Bangalore based private consultancy. The group accepted that they had to work with the administrative bureaucratic process of governance but kept close surveillance on the process. For example, even after they had meetings with the consultant and government engineers to communicate their concerns, they found that the final DPR submitted by the consultant had completely ignored their concerns. They argued that the DPR document even got the survey details of the lake incorrect. They raised this issue with the authorities and argued that the DPR adopted a grossly inappropriate approach towards the restoration of the lake. The restoration of Mestripalya Lake is currently a project under such negotiations between activists and government officials.

I argue that what is evident in Koramangala is a neighbourhood activist planning collaborative in its emergent form with its own complex problems of consensus building and conflicts. For instance, while some individuals did not want the villagers to use the lake to wash buffaloes, others challenged this notion and reminded them that this was a village lake and they could not and should not exclude such activities. One of the activists who challenges such imaginations about the Lake within his own group told me,

“[The] wealthy are blocking out uncomfortable images... and unwanted things and letting only the disinfected view into their world... I don't believe that is the way to go about it ... A water body by definition - first of all government property, not an individual property, it has to understand the definition of community. There have been many cases of water bodies where people have been excluded. And a lot of people on this board are very aware of that... This is an urban lake... [so] there is a limit to bio-diversity. However to me [the] definition of bio-diversity with cattle has to co-exist.” (Interview, KI Activist; **Appendix 1**, no.1)

When my fieldwork ended in Bangalore in late 2010, the activists were trying to reach out to the people in the village and bridge the gap along with arguing

among themselves about the nature of the water body. Some members recognize that there is a social divide among the villagers and solving it is fundamental for this project. The problem of identifying a common interest has raised new challenges of participation. In the words of one of the leading members from the collective,

“It is difficult for us to reach out [to the village] without some kind of suspicion being involved. And even if we have to reach out, we don’t know whom to reach out to, (in the village)...There is a divide. It is a societal divide. A lot of Koramangala’s drivers and maids will be staying there. But when you come into the social space, the peon is equivalent to you- he has his rights- by being a citizen- constitutionally. So we are trying now with the help of someone who works closely with the villagers. Where we are right now is with a new set of challenges. These ones are very different from the ones we have ever faced. The way we looked at it till now is US versus THEM. US mean the community and THEM being the government/ land mafia, BDA etc. So the contours of that challenge can be straightforward: it is legal on one side, pressures and lobbying on the other side, and so on. So where the situation right now is an admission by the government: yes, we will do a lake. Now comes the fundamental concept of participatory democracy or community participation- whatever you want to call it, that it is not an individual or a group of individuals who can decide what this will be like. It has to be now inclusive, especially now that you are talking about the water body. A water body by definition is classically for the people by the people kind of thing. It is not anyone individual’s domain” (ibid).

Even though this was primarily a movement led by middle class residents from Koramangala housing layouts, diverse perspectives about the nature of public space and the commons and the subsequent conflicts were visible. A variety of motivations could be identified through my interviews and closer engagement with this loose collective. For some old residents of Koramangala, it is about nostalgia; while to some others it was about the rule of law. For those living adjacent to the lake, this is a way to find a solution to the many functional issues like flooding, mosquitoes and snakes. A number of them came from an ecological perspective about wetlands, while for others, it was about open space and quality of living in their neighbourhood. To some it was also about public activism to make the planning and governance in Bangalore work, and some used this as an opportunity to gain political popularity. The problem of the lake can be seen as a domain of multiple motives. This was evident from their meetings. The meetings were not only occasions where strategies were

developed but also where the internal conflicts of the group were confronted. However, in saving the lake as a public commons from privatization, either by the private developer or by the state or privatizing networks, they adopted a wide range of tactics, drew from wide range of resources, formed many forms of coalitions and transformed their activism as they went along.

## **6.6. Conclusion**

The second part of my research question proposed to examine how and why violations are contested in Bangalore rather than it being a space of *plan enforcement*. Through my research on how a neighbourhood activist collaborative works against plan violations and planning for violations in Koramangala, I showed here how they contest violations using a range of tactics that move beyond a simple call for the enforcement of the law to forging complex coalitions for public interest outcomes. I also demonstrated how this process transforms their activism.

In the first stage of their activism, they engaged in mutual surveillance and called for the implementation and enforcement of the *rule of law*. This resulted in adverse outcomes that pushed them to reflect on the nature of the rule of law itself. When they found out that the plan and law itself occupied by the privatising networks within the planning system, they questioned the law and became mistrustful about the governmental mechanism itself. This led them to identify themselves as the victims of the *corrupt* government. This had led them to conclude that neither neighbourhood surveillance nor legal activism was sufficient as a means to enable public interest outcomes. As a result, they developed mixed methods – *moving in all fronts* – the most significant of which was working with political and administrative networks, forging alliances with those who supported their cause for whatever reason, whether these were vote bank politics, ideals of public interest, or community networks. Such strategies enabled the formation of a network that included people working inside the government, politicians, administrators, professionals, and residents etc., and worked towards public interest outcomes using all channels available. These are necessarily not the means that strengthen the planning system or *the state*;



perhaps they could even weaken it further. Such outcome-based activism does not operate entirely through the planning system outlined in Chapter 4. Instead, it uses parts of it - sometimes the planning law, or the administrative procedure - to get the outcomes implemented.

I argue that even though the contestation of violations challenges the private interest networks inhabiting the planning practice in Bangalore, the process demonstrates that they work with informal affiliations, pressures, vote bank politics, influences, and various forms of incentives. For example, urban design decisions of how the park and the lake should look are decisions made through negotiations of the local level actors, similar to the various negotiations that produced both the plan violations and planning for violations. Litigation concerning the Mestripalya Lake was made successful through a wide range of collaborations that even included hiring a private lawyer using the collective's contacts. Collaboration within this network through information exchange, drawing from the capabilities of the position of each actor, and devising strategies sitting in places that are not necessarily government offices exemplifies the culture of *vernacular governance* even though their activities aim to challenge and weaken the capabilities of privatizing networks.

Further, I argue that this form of activism cannot be understood simply as *middle class* and *elite* activism as much of the current scholarship on urban social movements on Indian cities argues. I proposed instead that this is an emergent planning collaborative and that they are transforming the practice of planning in Bangalore. Closely examining many project processes, I argue that such a classification of the activist is at best a misrepresentation of emergent local activism in Bangalore. I proposed that the network should be understood as an emergent *local planning collaborative* working through negotiation, confrontation, and various forms of affiliations for matters of public interest outcome. It is indeed true that a number of the lead activists in Koramangala were from the middle and upper middle class background, some retired, some working from home, and some who could afford to spend time on these issues. With their time, resources and education, they tried to grasp the complex

mechanisms of urban governance. They studied KTCP Act, Land Revenue Act, BDA Act, BBMP Act, Master Plan process, public administration protocols, what kind of documents exist and how to get them, how to approach local and higher officials, how to write official letters to government, and so on. They organized among themselves special teams with responsibilities for lake, waste, roads, violations, parks etc. They used their social capital - golf and professional networks, personal and club friends, etc. - to obtain information, enable access, and raise resources. Their online forums are a platform for information exchange and critical debates on city planning, urban governance, as much as learning about each other. They worked through the legal system (Public Interest Litigation) and political networks to get a park in place, violations removed, or the Master Plan re-examined. They networked politically to get insider information, identify and network with conscientious public servants and explored ways to work together for matters of public concern. This was not a very homogenous group as other studies on the urban middle class in Bangalore have also pointed out (Kamath, 2009). They had their conflicts and fundamental disagreements and split-ups; they grouped and regrouped for matters of some common concern.

Indeed, the projects presented here of course are not those that directly improve the private capabilities of the urban poor. However, it can be seen that some members in this collaborative network recognize the need for inclusivity in the imagination of public space to incorporate diverse needs in the neighbourhood; and yet, some others are exclusive about it. This is not a homogenous collective when it comes to their ideologies or political affiliations. Different members support different political parties and political causes. From their experience of confronting the privatizing governance networks, some members have argued to me that the left-wing extremism in parts of India is entirely justifiable in the context of the exclusion and exploitation of various social groups. Some others would not accept a barber shop next to their residence while others argued that lake restoration should include the rehabilitation of the squatters inside the lake. Some use political affiliations for instrumental reasons to improve their local activism, while others demonstrate

clear *political consciousness* and a wider involvement with different grass roots and institutionalized political movements currently going on in India. However, the point that I want to make here is that the activism that they were involved in over the last decade has transformed the *activist* him/herself and that a presumed construction of these networks as *middle class* without political consciousness is challengeable.

**Chapter 7**  
**Authority and Anarchy**  
**Examining planning power in vernacular governance**

“If planning is to be seen as something that is overarching above all this - then it must be like a lion in the jungle - not like a lion in the cage. In Bangalore, currently, it is like a lion in the cage”.

- Planner of Master Plan 2015

“We really don’t know how to take things forward”

- Senior Planning Director

**7.1 Introduction: Violations and planning power**

One afternoon, early in my fieldwork in Bangalore, I happened to talk to a well-known activist lawyer and public intellectual about the state of planning and violations in Bangalore. He narrated to me his childhood experience of growing up in his parents’ house in the city. He remembered how he and his siblings, as children, helped his parents to run a small food-processing business from their one-room house. The small space inside the house was continually transformed each day of the year to accommodate the business as well as domestic chores: preparing and packaging the food, children’s study, sleeping, celebration of annual festivals, entertaining guests, conducting family functions and so on. He noted that they managed to live and work comfortably within the small space that they had and that any form of rigid classification of land-use planning system would have excluded families such as his from the city. So he argued against a planning system that interfered with the everyday life in the city. The activist proposed to me that it was important to take an explicit political position about planning and violation; in particular, who is violating and for what. He suggested that, “there is a lot of sovereign authority here. Planning in India is a kind of sovereign practice. Hence law is [as] central to planning as [the] planner is central to the law”. (Interview, Lawyer and Activist, Bangalore; **Appendix 1**, no.30)

It was indeed surprising for me to hear such an opinion - that the practice of planning in India occurs as the exercise of state sovereignty - from this activist intellectual whose organization is one of the most grounded organizations that engage with the complex everyday realities of Bangalore. But then given that such a discourse is fashionable in the academic scholarship about planning in India, the background influence of this view was understandable. Recall the discussion in Chapter 2.6.2: drawing from Roy (2009), many scholars theorize that planning practice in India can be understood as the practice of an all-powerful sovereign state when they explained the various forms of informality, flexibility and the arbitrariness that they came across in the field. These scholars take the position that the informality, flexibility and arbitrariness, is designed to enable the state to become more powerful.

My friend's implied proposal that planning in practice should have different regulations for different social and economic groups in the city can be well taken as a normative moral and political stand even though it raises complex questions about boundaries of defining groups and the role of regulatory planning itself in saving the publics as well as the commons. However, when I revisited the statement during the writing of this dissertation, what was more interesting to me was how it conformed to the analysis I presented in the previous two chapters, i.e, how different social and political groups want to and have been appropriating the practice of planning to further their benefits. Perhaps for more than a couple of generations the families like that of my friend had successfully run their businesses from their homes. Roughly one third to one half of Bangalore has been living in illegal and informal settlements for decades and generations together. So what happened to the sovereign state power here all these years? I argue that there is an urgent need to comprehend the real practice of regulatory planning in Bangalore beyond the portrayal of it as an exercise of sovereign state power through producing flexibilities and informalities.

Such explanations, to recall my critique in chapter 2, come forth from a belief in the existence of an abstract, macro concept of the state that scholars attempt to

theorize about. The relationship between planning and violations in Bangalore that I analyzed in chapter 5 and 6 hardly conform to this representation. On the contrary, instead of a powerful sovereign state in the form of planning, I encountered a vernacular governance system that is inhabited by public and private interest networks that through appropriation renders the formal structures, processes and the capability of the state apparatus powerless. Through the analysis of production, sustenance and contestation of violations, I showed in the previous two chapters how this process operates through various forms of alliance that use the planning apparatus, policies, laws, procedures and protocols.

In this chapter I attempt to theoretically account for the analysis presented in Chapter 5 and 6 in order to answer the 'why' part of my research question. Conceptually and theoretically it is commonplace to argue that the problem of land use control and its violation is about how the *control process* works in the everyday social governance and that it is a question of *planning power*. Taking that as a given, instead, what I do in this chapter is to propose a way to theorize planning power in Bangalore when land-use planning system becomes embedded within the various networks and dependencies within which urban planning bureaucracy operates. Using relational notions of power discussed in chapter 2, which can also be seen in the analysis of power in governance network studies, I sympathize with Sami (2012) rather than Roy (2009) and company. I suggest that what is seen in Calcutta, Gurgaon and Ahmedabad (discussed in chapter 2.6.2) is indeed the establishment of power of the governance networks that capture the power from the apparatus of the state. This is about how the ideal typical state apparatus is rendered powerless rather than the reverse. Furthermore, I move beyond simple observations that Sami (2012) tend to resort to about fragmented power structures and show how it is that powerlessness is constructed in the domain of Bangalore's planning.

I argue that in Bangalore the formation of a legitimate planning authority is constantly challenged and deferred during the processes of plan making, implementation and enforcement. In other words, I argue that in Bangalore the

planning system is abandoned, the relationship between the institutions and its practitioners are challenged, the rationality of planning is contested, and that the actors assume their power from the associations that they forge rather than by occupying the legitimate location that they occupy within the planning system. This is enabled by my conceptual approach towards the analysis of power as a consequence rather than a cause, discussed in detail in Chapter 2. Through the analysis of processes that lead to outcomes, I examine how power is distributed based on the various associations that the actors forge rather than assuming who is more powerful based on the positions that actors occupy in the formal administrative and institutional hierarchy.

This will be done in three main sections. In the first section, drawing from the materials discussed in Chapter 4, I show the key ingredients of the construction of a planning authority within the ideal typical state apparatus. In the second section, I show the widespread experience of powerlessness in Bangalore among the practitioners. Drawing from conceptualizations of power in Foucault (2000), Latour (1986) and governance network studies, I propose that an approach that considers an analysis of power as a consequence of a chain of actions not only in policy making but also during implementation and enforcement, can account for the experience of powerlessness. In the third section, I will show two specific analytical frames to explain how the normative legitimate planning authority is de-constructed by the private and public interest networks. The first one is termed as the *contest of rationality*, and the second as the contest of *technologies of governance*.<sup>216</sup>

## **7.2 The planning apparatus of command and control**

As demonstrated in Chapter 4, the planning system in Bangalore is designed to function through the integration of a certain rationality of land-use classification, its logic of spatial organization and the structures and processes

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<sup>216</sup> The word *Technologies* is used here to denote the organizational structures, process and protocols that on which the specific form of distribution of power depends on. Borrowing from Foucault, Latour (1986) also uses this word (techniques) to argue that “the only way to understand how power is locally exerted is thus to take into account ...[the] techniques. (p.277)

of planning administration. This process should operate as an administrative bureaucratic system of policymaking, implementation and enforcement, as a set of linear processes based on the KTCP Act, BDA Act, BBMP Act etc., and the everyday administrative practices and protocols of a range of institutions.<sup>217</sup> The protocols take for granted that a powerful planning authority that can control land use change will form automatically if structures and processes are put in place and assume that power will operate hierarchically to be exercised the by state on society through the administrative structures of the planning bureaucracy and enable a command and control organizational system. The diagram of power in this idea is a top-down capability i.e. command taken at the top can be transferred to the bottom through the use of technologies of governance and through the co-option of various actors responsible for the job.

Understanding power based on various forms of consensus and negotiation discussed in Chapter 2, propose that this top-down conceptualization of power is a fiction and the exercise of power is dependent on many forms of negotiation and consent. For example, along with the administrative surveillance apparatus of the state, planning studies (Harris, 2011; Rose, 1999) note that regulatory planning is also supported by a *mutual surveillance* mechanism widely distributed in the society. Since the state cannot always see deeper into the daily life of its citizens' behaviour, planning regulations cannot work without some form of consent from the social actors. For example, enforcement mechanisms that operate based on a complaints procedure from the citizens (regarding changes in their neighbourhood) represents such a *mutual surveillance* technology of rule. Mutual surveillance is about people watching each other's behaviour to ensure that they live according to the rules, that they follow the policy or the planning norm. Such deeper surveillance mechanisms are fundamental to the operation of land-use regulation.

Furthermore, the operation of power in public administration conceptualized as a top-down possibility assumes that the practitioner will act according to the law in letter and spirit by keeping the required distance from his or her identity

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<sup>217</sup> The system is the ideal structure waiting to be practised, or apparatus to be put in practice.



as a member of everyday society. Moreover it also assumes that people will keep that distance from each other and engage in *mutual surveillance* and report their neighbours' deviant behaviours;<sup>218</sup> and that both these actors will stay distant from their personal interests, social identities, commitments and networks. It also assumes that they will stay close to the *state idea* (Abrams 1988), its normative principles, the rule of law and notions of public interest. Putting the land-use planning apparatus in operation thus depends on the notion of the *distant practitioner* as a cog in the bureaucratic apparatus, and a *distant people* as a part of a mutual surveillance society.

Through the successful rolling out of this apparatus on society, facilitated through the political legitimizing of the plan at the state legislative, it is expected that power will concentrate at the hierarchies of the planning system and enable the construction of a *planning authority*. Thus, the KTCP Act bestows that authority upon the BDA, outlining the detailed procedures of making the planning process *legitimate*. The diagram of power in this idea is a top-down capability; i.e. command taken at the top can be transferred to the bottom, through the use of technologies of governance and through the various actors responsible for the job.

However, throughout my fieldwork I encountered many versions of powerlessness from practitioners at various levels. In the paragraph below, I quote from them and propose two analytical frames to explain this powerlessness.

### **7.3 Planning and powerlessness: conceptualizing power and social relations**

During an interview, I asked a very high level political authority of the BBMP why there were so many violations in Bangalore. After a pause, he replied that a solution to the land-use planning problems could only be found if people stopped coming to Bangalore. He said, "more than 100 lakes disappeared in

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<sup>218</sup> It could be either due to principled outlook on notions of rule of law, self interest in the impact of one's own amenities, or awareness about participation in governance, or neighbour rage etc.

Bangalore. It is not easy to deal [with] all this. There are limitations to authority” (Interview, BBMP Politician, **Appendix 1**, no.121). Such remarks about the collective powerlessness and limits to authority were pervasive during my fieldwork from across the spectrum of activists, government officials, politicians and planners. Many senior planners noted their frustrations and their anxiety about the lack of authority. Some of the quotes below exemplify this.

“Then [about four decades ago] technology and knowhow were very little. But there was enough respect for planners. But now technology and knowledge is high- but there is no respect for planners in the system” (interview, Senior Planning Director, **Appendix 1**, no.102).

“In Bangalore, politicians become planners, senior bureaucrats become planners, developers become planners, the planners become draftsmen” (interview, Senior Government Planner, May 2009; **Appendix 1**, no.85).

“[The] chief planner has only advisory capacity. Beyond taking advice and opinions, nothing really happens with the planner’s involvement here. Then there are these transfers etc. - life is tough at senior level- if you don’t stand with politicians or big bosses, then you will be transferred to some remote place and they will replace [you with] someone of their choice in your place. There is no respect for planning in this city –there is no respect for the planning department in government” (interview, one of the senior Planning Directors, **Appendix 1**, no.111).

“We are working in democratic politics. We work with politicians. They are the decision makers. We are working with people above us. We have masters. We do what they want us to do. (Interview, Senior Government Planner, September 2010; **Appendix 1**, no.105)

While the planners complained about the involvement of politicians and various political networks in reconfiguring the authority bestowed upon planning institutions and practitioners, many senior civil servants and bureaucrats were more diplomatic and ascribed the lack of powerlessness to a wider culture of a democratic setup. One of the secretaries to the government noted that,

“There are so many illegal buildings and layouts. We cannot break it all down. It’s all a disaster. We have a very immature democracy. You can’t say *no* to things here, can’t say *no* to anybody. Our sense of following laws is poor. We can’t take strict action against anybody”. (Interview, Very Senior Bureaucrat; **Appendix 1**, no.96)

Similarly a senior official from the lake development authority noted that,

“[The] Lake Development Authority is toothless. All big developers connect sewer into the lakes. Are our people ready to tolerate power? Tolerate powerful authorities?” (Interview, Senior Official, LDA, May 2009; **Appendix 1**, no.91)

An ex-senior forest conservator narrated to me how during many occasions he had to put his life at risk while he attempted to evict encroachments on the lakes and wetlands in Bangalore. He noted that he had to confront gangs who wielded dangerous weapons and he always lacked sufficient support from the government. He argued that, “Government is [just] a risk-cooling kind of mechanism” (interview, Very Senior Bureaucrat; **Appendix 1**, no.119), and that he could not really protect the wetlands from a wide range of private interests as a government officer with the powers bestowed on his position.

Similarly an ex-secretary to the government noted that,

“Theoretically Bangalore is supposed to have a beautiful planning law. [But in practice], I am sorry to say Bangalore represents a very sad and sorry picture on the whole concept of planning. [Planning in Bangalore] is in the statue books only; something to be read, appreciated, commented and forgotten. 75% percentage is in breach of planning law rather than in consonance of planning law. The whole system fails, right from the lowermost officer to the higher level”. (Interview, Retired Senior Civil Servant, June 2009; **Appendix 1**, no.80)

Many NGO activists that attempt to make the government more accountable also reflected on the helplessness of the government mechanisms in the face of powerful private interest networks. A lawyer activist noted,

“You know groups like [name removed] have the arrogance that nothing will be done against them because of how much they are paying people off. Small time house owners are also doing this. They know they can get away with this”. (Interview, Lawyer and Activist, Bangalore; **Appendix 1**, no.32)

This collective powerlessness of the planning system implied in these conversations definitely calls for a re-conceptualization of flexible planning and governance as a strategy of a *powerful sovereign state* operating through de-regulation, exceptions and exemptions (Desai 2012, Gururani 2013, Roy 2009). Latour (1986) notes that since social scientists have convinced the people *in*

power that they actually *have* power, people *in* power make orders that no-one obeys. The powerlessness expressed above can only be explained from the point of an expectation about their power because of the positions that they occupy in the government. Latour argues,

“The problem of power may be encapsulated in the following paradox: when you simply *have* power- *in potentia* - nothing happens and you are powerless; when you *exert* power- *in actu*- *others* are performing the action and not you. To take an example, Amin Gemayel in his palace officially has power over the Lebanon, but since very few people act when he orders things, he is powerless in practice. Power is not something that you may possess and hoard. Either you have it in practice and [in that case] *you* don't have - others have- or simply have it in theory and you do not have it what makes the difference between power in potential and power in actu? The actions of others. Power over something or someone is a *composition* made by many people”. (ibid, p.265, original emphasis)

I propose that central to the problem of explaining planning power in Bangalore is the question of its conceptualization to enable an analysis of the everyday practice of planning across various actors involved in its performance. Furthermore, in the case of planning practice in Bangalore profiled in this dissertation, it can be seen that power relations beg to be understood beyond decision-making to arenas of a planning-implementation continuum. Actors involved in a range of associational relations at different levels can be seen involved in exercising their influence over the arena of planning practice directly or indirectly.

Foucault's proposition discussed in Chapter 2 that power and knowledge is deeply interconnected, that power is widely circulated in society, that individuals are constituted by it, and that the analysis of power should involve *cutting the head of the King* (Foucault 2000) is also a very helpful point of reference in the analysis of the powerlessness in the planning system profiled above. This can then be combined with Latour's (1986) conception of power as the consequence of a chain of actions of others mentioned above - in this case, those that happen through the daily operations of the apparatus of administrative bureaucracy). Even though these government officials have the legitimate *power to* rule, they don't seem to have actual *power over* the land-use planning arena because others who actually perform the actions expected in the

land use planning system - residents, officials, politicians, and developers and so on - do not translate this notional power into actual power through their actions. To demonstrate this point, I analyze two aspects of construction of power in governance below. In the first I examine if there is a single rationality of planning in Bangalore; in the second I examine the technologies of governance and more specifically, how the daily functioning of the administrative bureaucratic apparatus prevents the concentration of power at the planning authority.

#### **7.4. Contesting and competing rationalities**

In a very important study of planning practice in Aalborg in Denmark that has contributed to the analysis of planning power within the complex field of political and economic forces, Flybjerg (1998, 2002) attempts to move beyond the normative analysis of power pervasive in planning studies towards theorizing power through empirical studies of what he calls the *realpolitik* within which planning operates. He argues through his analysis that instead of *rationality* defining *power* to legitimize the public interest notion of planning, in Aalborg *power* seems to define *rationality*. In the case of Bangalore, I argue that the various associational networks define their own rationality about the logic of land-use distribution and regulation and render the legitimate planning authority powerless. This then leads to a plural epistemology of contesting and competing rationalities. There is no one particular rationality of planning adopted by its own practitioners, people involved in government on various capacities, general society, and even within the planning law.<sup>219</sup> I show this below.

I asked a very senior level administrator of the BDA why the planning system worked so poorly in Bangalore. He replied that the very model of regulating private property was not a feasible idea. He said,

“We are not being able to do justice to the plan. Actual development is not in conformation with the plan. There are a lot of variations. Now we are beginning to take it up. People own different parcels of land. They

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<sup>219</sup> In Chapter 4 and 5, I discussed how the KTCP Act is a collection of its own exceptions amended in the last two decades to accommodate a range of interests.

want to develop it the way they want to develop it. If they get more value out of commercial, they would like to develop it to commercial, and if for housing they want to do that. When we zone something as transport zone, the fellow is not interested. Market is like that. If we zone someone's land as green zone, he will not be happy and he wants to persist to make his money out of it. He will find means and ways to do it. You can't take somebody's land and zone it into green or housing and so on. It doesn't work (interview, Senior Official at the BDA; **Appendix 1**, no.113).

This denial of planning rationale was further supported in the words of an estate agent and planning consultant: "if the principle followed here in Bangalore is any land can be converted, then why provide (something like) land-use zoning?" (Interview, Property Consultant, Bangalore; **Appendix 1**, no.57)

Similarly a very senior planner at the BBMP questions the logic of planning as a means of providing social need and argues that violations are a natural phenomenon of growth. In his words,

"There are lots of things that government cannot do. People need to be housed, so there is a demand. Can the government stop immigration into the city? There is population growth in the city. Can the government stop that? So when the demand goes up, automatically unauthorized buildings come up" (interview, Senior Planner, BBMP; **Appendix 1**, no.108).

Another planner confessed to me that when she joined the organization many years ago, she was a socialist who believed in government control and central planning and such. But having worked inside for a few years, she notes that she has become,

"A major fan of democracy, planning as a technical thing has not made life heaven for ordinary people. It's only the social dimension that is important. Engineers have not made the life any heaven for people. Technical dimension of planning is not going to bring much help to people's lives" (interview, Senior Planning Director, UDD, GoK; **Appendix 1**, no.111).

Even though still a believer on the possibility of some kind of planning, the shape and form of which she did not know, she implies that violations indeed have taken care of the housing needs in Bangalore. Such a rationalization of the

violations of planning as the demand-supply equation could be seen across the spectrum of policy and planning practitioners. A very senior judge in Bangalore argued that violations are to be understood as phenomena of demand and supply and that planning cannot do much about it. Close to the opinion of the senior politician that I quoted above, he also argued that the only way to stop violations is to stop migration into the city (interview, Senior Judge, GoK, June 2009; Appendix 1, no.104). However, he did not reflect on the role of land-use planning in influencing the population and the spatial growth. Similarly, during an informal conversation between a group of right to information activists and a senior judge at which I was present, the judge remarked that “small violations in individual buildings are not a problem; people need more space, or make some extra money by renting out. The real problem is the big violations of large developers” (interview, Senior Judge, GoK, March 2009; **Appendix 1**, no.125). I don’t know if the judge was aware of the fact that he was redefining the rationality of planning law by categorizing some violations as less of a problem compared to others. I did not question him further on what he meant by the word *problem*. If planning as an enterprise in general was questioned as mentioned above, the logic of the specific plans were also questioned by many of its own practitioners. As mentioned before in chapter 5, one of the directors of planning who was involved very closely with the preparation of the RMP 2015 argued that the SCE Master Plan itself was irrational and did not adhere to the planning law. (Interview, Senior Planner, GoK, September 2010; **Appendix 1**, no.105)

This crisis of rationality was not only visible in the way different actors contested the rationality of the planning system but also in the anxieties about the role of knowledge about the city that the government seem to hold. A planner notes that there is no convergence of anything about planning in Bangalore.

“The DULT is making a parking policy and a pedestrian policy. The BWSSB is preparing a Master Plan for a water supply. BBMP has a Master Plan for the waste management. There are a lot of reports. There are no common meeting points. There is the CDP for JnNURM, the RMP 2015. The IDFC has an infrastructure report and a traffic and transportation

policy. Lots of reports. It is all over the place *yaar*.<sup>220</sup> (Interview, Senior Planning director, UDD, GoK; **Appendix 1**, no.111)

Similarly another senior administrator remarked, “There are no common platforms to overlay the different infrastructure requirements. For example, someone [who] starts digging the road [will be] surprised to find pipes underneath; no one knows where the pipes are located. Data for simple restructuring is not available (interview, Senior Advisor to Government; **Appendix 1**, no.117). A senior planner who had worked with the BBMP for many years noted that even though there is a standing committee for planning in the corporation, “they have no idea what is planning”. (Interview, Senior Planner, BBMP; **Appendix 1**, no.111)

A senior advisor to the government on urban affairs remarks that the civil service is a generalist organization and has no expertise in anything. He suggested, for example, that the Chief Administrator of [name removed] would not be able to get a job in any other [name of a services provision organization] in the world: “He knows nothing of [the services mentioned]. Before coming to [this job] he was rural development secretary or something. When I asked him what he thinks of the land-use planning system, he argued that it is not even worth taking a serious look at it, because “it is so crap and that it needs to be thrown away completely and new ones are to be developed.” (Interview, [Material removed to protect identity]; **Appendix 1**, no. [Material Removed])

Similarly, another senior administrator argued that the Master Plan in Bangalore does not take into consideration the demographic profile and the culture of habitation in Bangalore. He argued that,

“We in India have large families and need more space. How can three children, grandparents and parents, and sometimes aunts and uncles or even some relatives live in a house that can be designed in a 30’ x 40’ land and following all the building regulations?” (Interview, Very Senior Bureaucrat, BBMP; **Appendix 1**, no.72)

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<sup>220</sup> Hindi usage for *Friend*



This logic of contesting the planning rationality was reflected more forcefully in an interview I had with a prominent politician in Bangalore. He argued that all violations should be regularized 100% because people are trying to make the most of their investment on land. He argued that “if you don’t want violations, give everyone a stable government job”. (Interview, Senior Politician, Bangalore, **Appendix 1**, no.122)

If this was the perspective of planners and government officials, violators and contesters of violations also question the planning rationality. Violators justify their actions against the inefficiency of the planning system itself. When I asked a resident owner why he built a parking lot encroaching a *rajkalve* (a section of the Grand Canal network that drained surface runoff into Mestripalya Lake), he replied that by building over it he was taking care of the canal that was in a state of disuse. He argued that he removed the debris and even repaired it. He argued that by doing so he is not only preventing people from throwing debris into it but also enabling a free flow of water, putting to use an abandoned public resource and helping the planning system. Similarly another resident owner who had encroached on the canal told me that he had obtained written permission from the authorities to build his lawn over it, and that a local engineer was even present when he laid the lawn. He told me that he had to build over it because his neighbours were pressurizing him to construct over the canal and align his property boundary with theirs; to reduce the conspicuousness of their encroachments. Furthermore, he also argued that he was taking care of an abandoned public resource through his actions and that he was willing to remove his encroachment if the authorities suggested it. All across Bangalore and specifically in Koramangala, one could notice that the residents decorate the pavements with their special ornament trees, lawns and sculptures, even by chain fencing them and excluding the pedestrian. It was not only the practitioners and residents who questioned the rationality of planning but so too did the public interest oriented activists. To recall the words of the activist from the local planning collective that I quoted in chapter 6, they changed their mode of activism from law implementation to outcome based activism when they felt that the planning “law is an ass”. (Chapter 6, title page)

This challenge to the rationality of the planning system, the plan and the institutional process fragments the foundations of the planning enterprise in its entirety from within. To represent it here in words of a retired civil servant:

“Once you regularize, how do you justify planning on the theoretical level? On the practical side look at the misery that it causes to others? Roads get narrower, water supply gets overburdened, drains get clogged and there is no electricity and there are so many externalities” (interview, Retired Senior Civil Servant to GoK, June 2009; **Appendix 1**, no.80).

An analysis of the rationality behind the practice of planning in Bangalore demonstrates a wide range of interest groups: top-down; bottom-up; those who believe in the rule of law; those who subscribe to specific notions of public interest; and those who justify private interest; NIMBYism; and so on. No single rationality in practice seems to dominate over all others. Without a consensus on what planning is and what plans are about, planning enterprise does not find a ground in Bangalore. Such contested rationality fragments the original planning system into a complex network of decision nodes, producing and sustaining various forms vernacular-planning practices. The extent of the crisis of the authority was represented, for example, in the fact that the BDA didn't even have their 1981 Master Plan document when I requested a copy. A senior planner advised me that I could purchase it from a private company near the Richmond Circle in Bangalore rather than wasting my time at the BDA archives. He remembered that when he was at the BBMP many years ago, a copy of the 1981 plan document was requested by the BDA from the BBMP because the BDA could not locate it inside their office. During this conversation someone corrected him that what is available at the private company is not the 1981 Master Plan but the 2005-2015 Master Plan.

These contesting rationalities made a very senior planner in charge of the planning system in Bangalore remark to me candidly; “we really don't know how to take things forward” (interview, Senior Planner, UDD, GoK; **Appendix 1**, no.111). While this crisis in rationality made the planning process directionless, people involved in the various networks took their own decisions at various

levels and stages and pulverized the structure of administrative process. This is examined below.

### **7.5 Associational networks and the technologies of governance**

In Chapter 4, I argued that the planning process in Bangalore is foundationally dependent on the process of bureaucratic administration in order to enable the accrual of power to the planning authority. In this section, I will discuss how the actors in the various associational networks prevent the formation of command and control planning authority.

Frustrated about the political interference that defines most of the planning outcomes in Bangalore, one of the senior advisors to the government on urban affairs notes that even though an MLA has no executive authority in the Legislative Assembly, he or she still gives oral executive orders to the local engineer and the local engineer invariably obeys. A retired senior administrator who was present during this discussion remarked that the commissioner has no authority over things that will really happen in the city (interview, Retired Senior Civil Servant to GoK; **Appendix 1**, no.118). They were making the point that there is no convergence between the executive authority and political authority in Bangalore. This prevents the commissioner from getting things done as he or she wants. The retired bureaucrat remarked,

*“Why can’t you do it, is the tone of politicians. This is also because everyone works with a political boss. There are godfathers and saviours. You are generally there with the legislator’s’ support. Hence this relationship between secretary and legislator is an important thing. This will manifest into every single thing, even little jobs like site allocation in BDA to everything”,* (interview, Retired Senior Civil Servant, GoK; **Appendix 1**, no.118).

This direct relationship between the local politician and the local engineer, bypassing the command chain of the executive authority in practice, is only one of the many vernacular practices of governance that prevent the formation of a command and control planning system. The economic interests of a large number of politicians and their business networks are always reflected in the planning outcomes discussed in various parts of this chapter. An ex-chief of a

public authority who was demoted and transferred due to the land politics in Bangalore notes that “many ministers and MLA s are involved with real estate business in Bangalore. Many are themselves real estate developers, or run some kind of real estate business. That’s the big money in Bangalore now and politics in Bangalore is funded by Real Estate (interview, Senior Administrator, GoK; **Appendix 1**, no.75). He continues,

“Village accountants kept the book. So if you paid them enough, they will round off the ownership details of one person and insert another. One would never know anything until the original owner goes to sell the property or so. When the fabrication is very much in detail, then the government cannot cancel it automatically. One has to give notice to the owner and hear him and decide. This could lead to litigation. Government has to initiate action Sue Moto. So what if government doesn’t initiate Sue Moto action? The land is gone to the encroacher. The encroachers are so well-connected that they will ensure that the suit is not litigated properly or that the government is not represented or no written statement is filed etc. When such a weak face is presented, the suit will be decreed in the name of the petitioner and also a permanent injunction. This is the modus operandi in Bangalore” (ibid).

The frustration created by the role of the uncontrollable lower-level officials is represented in the words of a very senior level civic administrator as follows,

“Violation starts with offices at the ground level. One cannot do much of anything because who is working for you? They work for their bosses and their needs. If you want to find violations you need their help. They won’t locate it because they are involved in it as well. So much money needs to be paid to get the post. Hence they remain connected to these political networks. They have to make money for their political bosses. The local level officials are the key in both running the system legally and running the system illegally. They have lot of power that they hold tight. At the end of the day you are dependent on that hierarchy to function. And the sabotage could happen half-way down for other purposes. (Interview, Senior Administrator, GoK; **Appendix 1**, no.96)

Officers at various levels frequently expressed this frustration about their lack of control on the administrative process. One local activist involved in wider planning activism in Bangalore reported to me that a BBMP commissioner once told him: “90% of the BBMP engineers are involved in this racket. What do you want me to do? Chuck all of them? I can’t”, (interview, Local Activist, Koramangala; Appendix 1, no.20).

A large number of officers at higher level and at the lower level realign their practices many times to suit the networks of association that they are part of rather than to adhere to their role and responsibility ascribed by the planning bureaucracy. Such associational networks disrupt the command chain on which the technology of governance for planning depends on. Accrual of power to the Planning Authority and to the people in power is dependent on the collective actions of all the members in the administrative authority. Most local engineers, village accountants, local councilors, secretaries and so on, further the interests of the networks that they are a part of rather than contribute to the construction of a planning authority. Furthermore, there is also an informal disciplinary regime in operation that makes sure this associational network governance is not disrupted. In the words of an activist who constantly interacts with a range of local level and higher level officials: “The politicians always will have his own persons at the positions in his ward – the engineer, and officers. Everyone have [sic] domestic problems as well, family, children etc., they don’t want transfers etc., so they are also compliant. (Interview, Local Activist, Koramangala; **Appendix 1**, no.23)

An ex-member of an advisory body for the government on urban affairs puts the resultant irrelevance of the plan due to this scattered administrative authority in the following words:

“Everything that happens on the ground is through challenging the plan. Nobody cares. If my doctor advises a diet and my cook says ‘let me see how you follow the diet’ and puts the ghee, how will I follow the diet *yarr*? The person who is serving me food is putting ghee. So either I change my cook, or..., So the point I say is, planning is not central to day-to-day life; it is peripheral, it is a document that lies somewhere. (Interview, Ex-advisor to GoK on Urban Affairs, February 2009; **Appendix 1**, no.67)

The extent of this networked system and its impact on the executive authority was evident in the words of a local activist who follows up local information and challenges violations. Being one of the members of the mutual surveillance society, he seemed to have figured out the intricate ways in which the networked vernacular governance system works; he said,

“It is in fact the sweepers who are the first point of information. The sweepers will inform the relevant engineer and get their share from the process. Then the engineer will approach the owner for their share for any legal or illegal construction”. (Interview, Planning Activist; **Appendix 1**, no.7)

The discussions from the fieldwork were presented above to argue how the structures of the executive administration are fragmented through the practices of its own employees involved in various forms of networks that produce private interest outcomes. Right from the sweepers to local engineers, contractors, local councilors, ward engineers, village accountants, engineers from the services connection agencies, planners, middle and higher level officials, local and state level politicians, ministers and so on exercise their powers to further the needs of their networks rather than contribute to the formation of a *planning authority*.

This capture of legitimate authority not only occurs in private interest networks, but also in the public interest networks, contributing to the crisis and preventing the formation of any legitimate planning authority. The process of the preparation of the RMP 2015 itself is a very good instance to recall. As discussed in Chapter 4.4.1, raising resources from an Indo-French protocol to circumvent the statutorily-required tendering process, the GoK in 2003 entrusted a French consortium with the task of preparing the Bangalore Master Plan. It was pointed out by a number of my interviewees that the elite group called Bangalore Agenda Task Force (BATF)<sup>221</sup>, which was formed in 2000 by the then newly elected Chief Minister of Karnataka comprised of elite administrators who had the Chief Ministers confidence and many influential corporate elites, believed that BDA was incapable of preparing a Master Plan for the rapidly globalizing Bangalore. This group believed that entrusting the BDA to prepare the Master Plan was like entrusting it with the with the Bangalore real estate lobby (multiple interviews with Planning Consultants, Ex-advisor to GoK, Government Planners). So, it was argued by many of my interviewees that

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<sup>221</sup> Chief Minister’s advisory body for putting the city in order, which functioned 2000-2006/7 and consisted of elite corporate members, ex-corporate members and business leaders. Interviews show that during the process of preparation of the MP 2005-2015, BATF members regularly attended the meetings.

this ambitious clique lobbied for outsourcing the Master Plan. The smart administrators present in the clique in collaboration with some smart consultancy executives managed to invoke an Indo French Protocol to circumvent the tendering process and award the project to a group that would protect the Master Plan process from local influences and introduce some cutting-edge technology, GIS and planning knowledge in Bangalore.<sup>222</sup>

Setting up such parallel advisory organizations with a lot of symbolic power is one of the practices that demonstrate the crisis of planning power in Bangalore in the last decade. This strategy involves key political and administrative functionaries working through parallel administrative mechanisms for strategic projects than strengthening the existing planning system. Bangalore Agenda Task Force (BATF), set up as an advisory body and headed by the then chairman of a successful IT company consisted of many well known successful individuals from the industry in Bangalore. Along with the Master Plan, this group has been influential in initiating a number of projects, in the city. Even though BATF was abolished after the term of the then government had ended, a new institution was set up in the similar fashion by the new government and called it Agenda for Bangalore Infrastructure and Development (ABIDe). The CEO of another successful business venture who also happens to be a political peer chaired this organization. One of my interviewees, a close associate of one of these organizations, argues that it doesn't matter who the official members

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<sup>222</sup> It should also be noted here that not all members of this clique agreed to outsource the Master Plan process to SCE. Some of them thought that SCE did not have enough experience in master planning and that they were mainly GIS consultants. Subsequently the relationship between the clique and the master planners became ambiguous. One of my interviewees who was a member of the BATF noted, "...when the map [spatial data infrastructure project] was coming to an end- [I suggested] let's call international competition tender for a vision document. I suggested let's do a Master Plan having 10 year vision and do technical plans having one year programmes etc. The government didn't agree. At that point things went a little out of hand. End of 2004, monsoons had failed, Krishna [Chief Minister] panicked and called elections and at that exact point the APUR went and told the BDA that they will do the CDP. I wanted a world-class international competition – all sorts of list of guys I had made – but they did a quick backdoor entry. The French was paying [sic]- I met them- the French planners who had no idea they said we [Indians] all live on top of the shop and this is the way to do it. Initially they knew that I was the guy who did the whole thing. They used to call me and so on for meetings and all. It was during the time of the guy called [name removed]. He got transferred back to France. Then there was this guy [name and some quotes removed] and that guy turned out to be a very political guy, trying to make the company better and so on". (Interview, Ex-Advisor to GoK on Urban Affairs, August 2010; **Appendix 1**, no.65)

are or whatever government is in power. He argues that this is a “permanent Establishment” in Bangalore. (Interviews, [Material removed to protect identity]; **Appendix 1**, no. [Material removed]) Using these organizations, these individuals are interested in “fixing” Bangalore.<sup>223</sup> Due to their irreverence towards the planning system, one of them noted that researching the existing planning system in Bangalore was worthless and that it needed to be dismantled and a wholly new one developed from scratch. Their projects have included accounting reform, master planning, transport strategies, healthcare and governance reform. However, they could hardly bring about any systemic planning reform in Bangalore. Many people, including many senior government officers, perceived that this network was there to further its own interest. One very senior officer in government remarked,

“They are all there for narrow self-interest. [name of the organization and name of the person] wants his road to [place name] and airport to be made well, [name of person] wants some land deals... At time of [name of person], [name of person] made a lot of money through [name of business], [name of organization] has a huge land bank of [amount] acres, they got all the information to buy this through their involvement with the Master Plan and governance process. We are all fools to sit here and work like donkeys’ (interview, Senior Administrator, BBMP; **Appendix 1**, no.72).

When I asked one of the members of one of these organizations about their motivations and operational strategies, he candidly remarked that they do specific things that would further the various motivations within the group. For some it is political; for others it could be specific public interest projects in areas of their interest. Some believed in *fixing* the state and others wanted to make themselves generally useful in a spirit of civic participation. Not surprisingly therefore, their symbolic power hardly transferred into actual power when it comes to achieving outcomes. For example, their accounting reform of the BBMP was subverted, the Bangalore governance reform bill was voted against in the Legislative Assembly and progressively the group became more and more unpopular among a wide range of politicians, people, activists and residents. It was not hence surprising that most of their endeavors were project-based: to get a specific transport route, signal free traffic corridors, and

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<sup>223</sup> Term often used by the reformists.



so on. Furthermore, it is worth recalling here how even the private limited company (SCE) entrusted with the MP preparation could not secure all the land-use decisions in the Master Plan from external influences even within their office premises.

In Chapter 6, I described in detail how the local planning collectives operate, to save a lake or to challenge a local violation or to enable specific public interest outcomes using associational networks. I provoked a local activist on this, pointing out that the processes that they adopt are not very dissimilar from that of the violation networks. He agreed that this was true. However, he suggested that one difference is that the activists don't adopt any methods that are *under the burqua* (he meant corrupt and concealed practice).<sup>224</sup> Instead they work upfront only for the purpose of the public interest. He argued that until the problems of accountability of governance structure and process are sorted out, civil society should have to work with the formal and the informal route simultaneously to achieve outcomes. As long as the government, the land mafia and the politicians use their own convenient routes - for example de-notification, special category allocation, regularization, changing land uses, strategies for plan violations and planning for violations - activists interested in public interest outcomes should also use similar methods. He believes that depending solely on formal routes of administration is insufficient. However, he agreed that from a certain perspective,

“We are all the same. However, hardly any purist would say that in my fight for the lake, process is more important than the end result. As long as you understand that there is an imperfect world out there and you have to gravitate to a certain extent, then your moral has to decide on how to go about it *yarr*. So if the society is weak on moral fibre, this is how things happen” (interview, Planning Activist, Bangalore; **Appendix 1**, no.1)

This collective powerlessness was widely perceived in most quarters as a question of social morality and a culture of violation present in Bangalore among the people in general. A minority believed that fixing the regulatory planning was about finding the right techno-managerial solution, and

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<sup>224</sup> Face veil

compliance could be achieved through the right forms of incentives, coercions and sanctions. A large number of my interviewees, especially the practitioners of planning, argued that planning is not possible without a general consensus of the people. The idea of a culture of moral corruption in society as the fundamental constituent ingredient that causes violation was a very consistent discourse during my fieldwork. An activist argued, “Violation is in our blood. I suppose we are not ready for democracy. We think we have high morals; we are anything but that” (interview, RTI activist, Bangalore; Appendix 1, no.23).

A retired senior civil servant agreed with this opinion-

“People also don’t care. They spoil the government. They are too equally to blame. They don’t mind digging the road and put up a tent for their son’s wedding. If that is the approach of the people, then no government will be able to stop this (interview, Retired Civil Servant, GoK; **Appendix 1**, no.80).

An estate agent who admitted to me that he could fabricate any government document to enable land deals and land-use changes also said, “the problem is not the government. Government is innocent in this. But it’s the people. [The] rich are the most dishonest people I had seen [sic]” (interview, Real Estate Consultant and Broker, August 2010; **Appendix 1**, no.54).

Similarly an ex commissioner of the BBMP argued that,

“Everywhere there is dishonesty and we don’t follow the law. This dishonesty is *Akrama*. It’s like the [story of the] women [sic] whose kid was dying who asked the Buddha to revive her. Buddha asked her to bring some mustard from a house where nobody ever died. As we know, she fails. Violation in Bangalore is like that. Every house has a violation. In general what I will say is: what is law? Law is the command of the sovereign. Who is sovereign in a democracy? It is the people. So if the sovereign itself is corrupt to the core, how can you expect the periphery to be clean? [it is] impossible”. (Interview, Retired Senior Administrator, BBMP, August 2010; **Appendix 1**, no.97)

Such perceptions that everyday society is the ultimate sovereign rather than the macro abstract state when it comes to planning in Bangalore encouraged a planner and advisor to the government to argue that,

“We need a community based enforcement model- rather than the *danda* (stick) based enforcement. There is no one to monitor. Social prohibition models are the only one[s] that would work”. (Interview, Ex-Advisor to GoK on Urban Affairs, August 2010; **Appendix 1**, no.65)

He pointed out the case of social prohibition of alcohol in the holy mountain ranges above the holy city of Haridwar in North India. He notes, “If you are caught with alcohol there, you will be lynched by the people” (ibid).

The dependence on the actions of a wide range of people in the everyday social world in order to enable the formation of a planning authority was expressed in the words of an activist from the local planning collective I interviewed. When I asked him if their form of activism - which relies on challenging planning practices in Bangalore to enable public interest outcomes through forging various networks - was sustainable when it comes to making Bangalore more livable, he admitted that it was not and that it could not ensure a successful and functioning regulatory planning system. From his experience, he argued that the local collectives would have to work as a Janus-faced organization, which not only questions the government and other private interest networks but also faces towards their own people:

“Civic activism in Bangalore has come a long way in the last couple of years. There are specific task-based organizations. However democratic behaviour of citizens is an important aspect. It should be not only an external fighting body with the government but it should also be an internal facing body saying our [own] behaviour should be civic” (interview, Local Planning Collective Activist; **Appendix 1**, no.1)

## **7.6 Conclusion.**

The institutional design of the planning system in Bangalore depends on a hierarchical distribution of power and an idea of a ‘competent authority’. A functioning ‘sovereign’ state is central to the working of that system. Furthermore, the planning system assumes that actors in and outside government on whom the possibility of a regulatory planning regime depends, would act like *strangers* allying with the *state idea* (Abrams, 1988) and would keep a calculated distance from others in the society whose behaviour they are

supposed to regulate. And mutual surveillance in society would complement this process.

In this chapter, in conceptualizing power relations in society as the consequence of the actions of many, I argued that *power* does not accumulate in the hierarchies of governmental administration. Instead, it gets distributed widely within the associational networks of governance. Consequently, the sovereign state does not get constructed in the practice of regulatory planning in Bangalore. I argued that in the command and control planning system in Bangalore, the planning command system seems to be operating without control because the actors within the broad network of governance and social world adhere to their own *associational sympathies* than to the logic of a command system. The vernacular planning practice does not contribute to the construction of any sovereignty to the state; it produces exactly the opposite. Planning authority in Bangalore becomes an *authority without power*. Multitudes of institutionalized informal negotiations pulverize the supposed structure of authority. No one person or institution is in control. Planning power is captured at many levels using different kinds of political negotiations. Through micro-negotiations of power, power seeps through holes, like in a colander, and is not concentrated at the peak of the organizational structure. I showed that various actors 'work the system' for their own benefit thereby distributing the planning power widely. Who becomes powerful in the planning process in Bangalore has to do with which part of the planning process we look at. In one practice, the Chief Minister could be powerful than others; in another the local engineer or a local councilor could be more powerful than others; or in yet another, it could be the residents or the developer or the local councilor. In fact, the political processes operating through these networks are planning Bangalore *at a distance* (Rose 1999). It was to reflect this idea that this chapter was titled *Authority and Anarchy*.

Furthermore, I showed that neither the practitioners nor the people engage in surveillance. The various complex associational dependencies bring them closer to each other and convert the *distant practitioner* or *stranger*

*administrator* in the city into a friendly and familiar one.<sup>225</sup> Transfer and appointment procedures are facilitated through this complex associational closeness. Rather than engaging in mutual surveillance they form a mutual-benefit network. Their social and personal identities and interests appear more important than those of identities they possess as government officers; or sometimes they act in collaboration. A local engineer is closer to his councilor, who is a permanent fixture in his career; closer to a local politician, who is more able to arrange for valued postings than the engineer's immediate superior. During my interviews, government officials from the lowest level to the highest bureaucrat use the word *government* in a very detached way as if they are not part of it. They used to say, "We advised against this, but the government wanted it" (multiple interviews). For instance, a higher government official told me that, "apart from making money, the other task that the *government* [emphasis mine] is busy with, is transferring officials who doesn't [sic] agree with their agenda" (interview, Senior Administrator, GoK; **Appendix 1**, no.96).

Since power is not concentrated in the hierarchical structures of the administration, many government officials interested in public interest outcomes often have to collaborate with non-governmental actors, forge a network to enable public interest outcomes rather than derive power from their position within the legitimate structure of public administration. The case studies presented in Chapter 5 and 6 make this point. In the public administrative apparatus of vernacular governance every agent in that network exercises their own freedoms to steer the course of a process to suit their associational networks, ideologies, motivations and agenda. This process has its own operational procedures, implementation frameworks, and rules of engagement. For instance, the way power is acquired within this practice is not by penalizing illegalities but by regularizing them. There are set costs associated with the particular outcomes desired. There are procedural regularities and there are system of practices and practitioners. There are language codes for communication. Practices through these associational networks are deeply institutionalized. They have their own modes of exercising

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<sup>225</sup> Middle men, protocols, and so on exist.

discipline and penalties. Politics seem to transform *governmentality* beyond recognition.

From a distance the categories of state and planning may seem to possess solidity, uniqueness, homogeneity and capacity. However, when examined at close quarters, telescoping in at the state in practice, the state seems to break down into different forms of institutions, processes, affiliations, governance networks etc., that operate based on various forms of associational sympathies and dependencies in any context. I argue that planning power in any context is based on how these different forms of networks operate. Regulatory planning, it seems to me, can operate only with the broad consent of the governed. As Rose and Miller remind us, “most individuals are not merely the subjects of power, but play a part in its operations”. (Rose and Miller 1999)

In this chapter, I showed the pervasive experience of powerlessness among the planning practitioners in Bangalore when it comes to regulating land-use change and violations. I argued that this powerlessness can be explained based on a re-conceptualization of power as a consequence of actions of many rather than as something that is automatically present in the ‘sovereign state’ and with the governing officials. Furthermore, I showed how people who form part of the various public and private interest networks, and who possess their own definitions of planning rationality and active decision-making capacity, define and implement whatever suits their networks rather than the planning law in letter and spirit during plan-making, implementation and enforcement. This, I argued, can account for the widespread powerlessness experienced in the planning system in Bangalore. I propose that violations should be understood as a consequence of this practice.

## **Chapter 8**

### **Conclusion**

#### **8.1 Introduction and research question**

This dissertation started with a vignette about a tragic fire accident in a posh office building named Carlton Towers in Bangalore that led to the loss of many lives. Carlton Towers was built and occupied in violation of the planning regulations, in particular, building and fire regulations. Following the public discourse and the government action especially of the city police commissioner that followed this incident, I proposed that this incident is compellingly provoking enough to reflect on the processes that produced the violations, the powerlessness that the police commissioner faced and his call for self-regulation.

Violations are norm than an exception in Bangalore. In Chapter 1, I introduced the pervasive geography of planning violations in Bangalore and the contestations against violations, in spite of the existence of elaborate planning, implementation and enforcement apparatus: the law, institutional system, policies, protocols and practitioners. Academic discussions about violations and illegalities in Indian cities have been dominated by the planning violations of the urban poor: slum-dwellers, squatters and street traders. However, I argued that everyday life in Bangalore is conducted among the geography of planning violations. It is impossible not to notice the buildings that violate the building rules regarding setback, density and ground coverage during a casual walk along residential areas, commercial high streets, and urban centres. Several buildings in the city are in multiple forms of violation than of any single planning rule. Many of these violations can be identified only upon close inspection and with reference to the planning laws and the Master Plan regulations. These are the projects that did not even obtain planning permission or are built in violation of the land use regulations, residential layout standards and planning procedures.

This could sound as if there is no planning and urban governance apparatus in Bangalore. However, the institutional ecosystem, instruments and its substantive content discussed in Chapter 4 prove that this is entirely untrue. The planning system in Bangalore has a deep history of more than five decades. The Karnataka Town and Country Planning Act 1961 forms the statutory and legal foundation for planning in Bangalore. Furthermore, a large number of laws and institutions govern land development in Bangalore. These include the Karnataka Revenue Act, the Karnataka Municipal corporations Act, the Bangalore Development Authority Act, and so on. Many institutions like the BBMP, the BDA, and the para-statal like the BWSSB, BESCOM etc. are entrusted with preparing, implementing and enforcing planning regulations. Many qualified practitioners work in these organizations from various offices in Bangalore. For the last three decades a comprehensive development plan has been prepared and updated once in every ten years. These planning and development control organizations form the executive of the state government that supports the democratically-elected state legislature to rule and assisted by the judiciary to execute their powers.

Even though the impacts of these violations on everyday urban life in Bangalore are not yet scientifically correlated by anyone and though it is beyond the scope of this research, many functional impacts do not require a complicated analysis in order to identify the correlation. For example, several lakes, wetlands and agricultural lands that stabilize the regional drainage ecology and hydrology of Bangalore have been reclaimed without adequate drainage infrastructure. This has contributed to severe flooding and casualties. Many roads are not wide enough to accommodate the increasing traffic or even the public transport system. A lack of control on the change of land-use and density regime also leads to inadequate infrastructure provision. One consequence for example, is that bore well-based water extraction has greatly increased. Inadequate sewerage network capacity has resulted in the conversion of the lakes and drainage networks into sewage pools. Further, there are neighbourhood conflicts and inadequate information for transportation planning and so on. Many such functional impediments to their daily life have drawn many



residents in the last two decades to collective activism in order to contest these violations using various legal and extra-legal means. They organize in various forms of collectives and question many forms of violations in their neighbourhoods and even engage critically with the planning frameworks. The scale of continuing violations and contestations in spite of the presence of an elaborate planning apparatus that has the power to make laws and policies, and plan, implement and enforces them is indeed a paradox. In the context of this paradox, I proposed to examine the research question;

***Why and how are land-use violations in the non-poor neighbourhoods of Bangalore produced, sustained and contested despite the presence of the elaborate planning implementation and enforcement mechanism?***

## **8.2 Conceptual framing and research method**

For the purpose of this research and given the scale of violations in Bangalore, I set out to examine the violation of land use regulations. Further, given that the discourse on planning violations in academic scholarship is mostly about the urban poor neighbourhoods, I specifically chose to study a rich and middle class neighbourhood in Bangalore named Koramangala to move beyond a social group based analysis of the problem that had often theorized violations and illegalities as the subversion of the elitist state apparatus by the urban poor.

Conceptual directions that helped answer the research questions emerged during the fourteen-month long ethnography of planning networks. The method not only involved identifying the processes of violating the plan but also researching the relationship between planning practice, the violations and its contestations. I found that violations and its contestations are in fact intricately connected with the practice of planning and violating a regulation is only a small part of this richer ethnographic problem. This research process moved inwards and outwards from specific projects towards discussions with practitioners, analysis of planning documents, court cases, and study of local contestations and neighbourhood mobilizations.

In this dissertation, I argue that violations provide us with a rich ethnographic site to understand the culture of planning practice in Bangalore. Developing this further I critique the approaches taken by various authors who conceptualize violations as a deviation from the plan and planning. Specifically, I draw on three broad approaches within which this scholarship appears: informality, implementation failure and corruption. I argue that all these approaches work with a notion of state-society dualism and that is insufficient to understand the pervasive violations in Bangalore. Even though violations represent informality, implementation failure, and corruption all at the same time, I argue that this dualism emerges out of the normative theory of the state that these authors work with and that compels them to simplify these processes as specific social groups subverting the state and international capitalism (Benjamin 2008; Chatterjee 2004); as the state exercising its sovereign power (Roy 2009); as technical problems in the institutional design of the state apparatus (ITPI 2004, UN-Habitat 2009; UNDP 2005); or as expectations about the operation of public administration (Williams 1999).

Drawing from political systems approach, anthropologies of the everyday state and governance network studies that examine political processes at the spaces of state-society interaction, and policy-implementation continuum beyond the decision-making arena, I propose that violations in Bangalore should be understood not just as a deviation from the plan and planning but instead as an outcome of it. In other words, I argue that examining violations is a window into understanding the culture of planning as practiced in Bangalore and in particular how urban politics operates through planning and how different actors within and outside the state apparatus associate as a network and enact the process of governance. Methodologically, during the fieldwork this was further sharpened through examination of plan-making, implementation and enforcement along with the role of various actors, planning and litigation documentation and court cases. The land-use planning system in Bangalore is foundationally embedded in the process of liberal democracy of the modern nation-state in order to enable public interest outcomes. This is expressed in the planning act *as ordered growth of the city*. Using the analysis of violations

and its relationship with planning as actually practiced, I attempt to theorize how planning system is practiced Bangalore.

I proposed two analytical frameworks for this purpose.

Applying interactive frameworks of social governance, firstly I argued that private and public interest networks inhabit the space of governance and produce private and public interest outcomes through engaging in various forms of associational relations. Given that the foundational epistemology of planning is safeguarding public interest from private interests through planning laws, institutions, instruments policies and operational protocols, I proposed in the first framework to examine the planning practice in Bangalore through this lens, using the case of violations.

In the second framework, which follows from that analysis, I attempt to account for the question of power and powerlessness, i.e. how power relations operate in particular cultures of social governance where various forms of networks inhabit the space of governance. Here I apply the approaches from a range of authors (Dunsire 1978; Foucault 2000; Kooiman 2003; Law 1986; Latour 1986; Stoker 1998) who recognize the role of the consensus of the individuals and groups that enable institutions of governance to have power over them. In other words, I apply the conceptual approaches that understand power as the consequence of actions of many (Latour 1986), and where individuals in the chain are constitutive of power. Given that the very possibility of controlling land-use change is fundamentally dependent on ensuring compliance with a particular rationality of planning through the operations of organizational technologies of governance, I account for the production of powerlessness by examining multiple rationalities and the fragmented technologies of governance in the domain of planning practice in Bangalore.

### **8.3 Research findings**

#### **8.3.1 Planning system and governance networks**

In this research process I found that the actual practice of land-use planning in Bangalore is characterized by private and public interest networks producing private and public interest outcomes respectively. The private interest networks consisted of local and higher-level politicians, real estate developers, land owners, local and higher level government officials and planners, and middlemen, supporting each other's private interests by simultaneously using and by-passing the planning system in ways that would suit their interests. Given that the networks include actors from inside and outside the state apparatus, I argue that explaining violations using a state-society dualist framework presents a grossly insufficient and an erroneous analysis.

To answer the first part of the research question regarding the production and sustenance of violations in Bangalore, I argued that one has to understand the relationship between what I call *plan violations* and *planning for violations*. *Plan violations* are about violating the land-use plan through various complex processes that range from not applying for planning permission to the use of implementation and enforcement processes for the benefit of the networks. *Planning for violation* regularizes these violations through a variety of means that range from changing the law (change of land-use, de-notification, regularization act etc.) to changing the land-use category in the Master Plan through overt and covert procedures. I argued that *plan violations* and *planning for violations* support each other and form an integrated system that produces and sustains violations. Using specific case studies, I demonstrated the complex processes through which these two mechanisms operate in Bangalore. For plan violations, I demonstrated how individual buildings, revenue layouts, and a prestigious residential complex in Koramangala were established. To describe planning for violations, I showed how the planning law has been amended and practiced in the case of change of land-use, Master Plan process and regularization act.

Further, I showed how various forms of public interest networks that are emerging in Bangalore challenge the private interest networks. Using the case of the Koramangala Initiative and various other local initiatives, I showed how plan violations are contested through forms of *mutual surveillance*. In these processes, planning for violations are contested through challenging the planning framework itself - the planning law, Master Plan and planning process. Rather than strengthening the planning system, these networks work towards specific public interest outcomes forging various forms of alliances among each other to strengthen the networks' bargaining position. I argued that a wide range of motivations is identifiable among the networks. These include belief in the rule of law, utilitarian benefits, emotional neighbourhood belonging, public activism, political consciousness, ecological idealism and so on. Moreover, the outcomes that these collectives seek are those that contribute to the larger public good of the city – stabilizing hydrology and drainage ecology in the case of lakes, for example. I showed how the social actors who form these collectives learn from the various experiences they confront during their activism and emerge as a social movement. I argued that theorizing this activism should move beyond the portrayal of middle class resident welfare associational-ism. I argued that these movements should be understood as local planning collectives and they transform planning practice in Bangalore into a negotiated and contested practice reclaiming it from the private interest networks. In this process many things happen: empowering the public interest planning network, governing each other, increasing social capital and networks, social learning, commitment to public action and so on. Though the outcomes at the moment consist of common minimum programmes such as putting a tree here, a park there, a footpath here, saving a lake and public land, discourse on violations, litigation on property tax, on regularization act, on the master plan rationale, this movement, I argue, can be seen as a harbinger for a collaborative planning practice in Bangalore that works through contestation and negotiation.

### **8.3.2 Planning power in vernacular governance**

My explanation as to why violations are produced, sustained and contested in spite of the elaborate planning apparatus in Bangalore is that the planning

apparatus is rendered powerless to control land-use change by the various associational networks that inhabit the sphere of governance. This is a specific type of governance in which the network devises specific objectives and means for its activities beyond the structured institutionalized rationale and processes that are executed in the political democratic state. I term this *vernacular governance*. In vernacular governance, planning power is distributed among the network and prevents the formation of a planning authority that is able to control land-use change. Vernacular governance adopts specific governance tactics to achieve specific outcomes rather than follow any structured institutionalized rationale and process of the administrative bureaucracy. To argue this I showed how in Bangalore there is no single rationality regarding planning and that the organizational technologies of governance are pulverized. Furthermore, I showed how this powerlessness was perceived as a result of social attitudes that refuse to tolerate planning power and that this experience compels us to reflect on the role of wider social consensus for the operation of regulatory planning as compared to coercion.

#### **8.4 Contribution**

Governance and everyday life in India are based on a variety of intricate social networks. Everyday living is enabled and governed through these various social and political networks, whether it is about obtaining a driver's license or squatting in cities or even obtaining funding for official programmes of state governments by the officials, or getting school admission for children. What is important, I argue, is to figure out how different governance networks influence particular arenas of policy practice and produce certain policy outcomes and how they operate and transform the ideal typical state apparatus. In the case of this PhD, I demonstrated how the land-use planning system is transformed in practice by multiple actors engaging in a range of complex associations. By doing so, I have demonstrated the importance of empirical research on planning based on locally relevant questions and concerns rather than developing a universal normative theory of planning, or resorting to dominant trends in academic theorizations based on decision-making, or using assumptions about a powerful state and planning system. How the modernist planning enterprise

works in specific governance cultures is an important and useful window into transforming practice for the social good or even providing a real understanding of what happens to planning in specific contexts.

Planning theories that have developed out of in-depth case studies of planning as practiced in Indian context are scarce, or they work within the dominant trajectories of scholarship. In the last few decades these dominant trajectories have been preoccupied with how the operations of government agencies can deliver *good governance* (World bank 2006, UNDP 2005), or how certain *middle class* (Arabindoo 2005; Ghertner 2011; Kundu 2011) actors dominate public activism for their narrow benefits, or how a certain macro-category of the *neoliberal state* emerged and displaced the urban poor (Benjamin 2011, Roy 2009), or how *subaltern groups* subvert the macro category of state and its programmes (Chatterjee 2004) and so on. Even though I went into the field with theoretical sensitivity about political society (ibid), occupancy urbanism (Benjamin 2007, 2008), middle class urbanism (Arabindoo 2005; Baviskar 2002, 2003), elite politics (Kundu 2011), political machines (Judge et al 1995; Davies and Imbroscio 2009) and regime theoretical approaches (Stone 1989, 1998), I found that planning as practiced in Bangalore from the lens of violations could not be theorized entirely by only using these frameworks. For example, after studying the neighbourhood activism, I did not find that a clear distinction could be made between the operational modes of so-called *middle class activists* and the urban poor. First of all, so-called middle class activists were not a homogenous group. They fought against many middle class interests and many forms of internal conflicts characterize their activism. Secondly, their modes of activism involved vote bank politics, social and political networking like that of the urban poor. Thirdly, many outcomes that they achieved or strived to achieve could not be categorized as only of middle class interest. Similarly, *occupancy urbanism* was not only about how poor people operate but looked at the ways in which the private interest networks occupied urban space as well as the governing process. Similarly, a porous bureaucracy was enabled through the active participation of public officials not only at the lowest level but also at the highest level. Further, while caste and class are not clearly

defining factors in all urban planning transactions, there were more complex associations based on bribe, political party networks, middle-men based coalitions and so on.

Empirical studies of planning processes, policies, and its interaction with the social and political sphere are essential to understand why urban governance in India is an extremely difficult affair. My thesis locates how social and political processes operate through planning. This thesis is a contribution to the empirical studies of planning in the South and a potential window into comparative studies about how specific forms of social relations influence the specific form of planning cultures. What happened to the elaborate state apparatus of urban planning institutionalized during the *Neheruvian* phase of state building in India is an academic blind spot. This research attempts to fill that gap in a very modest way.

Planning violations are a problem not only in Bangalore but also across all large cities in India. By developing a framework that attempts to connect planning violations with planning practice and reactive and pro-active local social movements, this research hopes to open up a new window for studying planning practice. This current phase of urbanization in various parts of India is enabled through the de-construction of the modernist planning apparatus. These include the setting up of special planning authorities to build large scale private cities, the abolition of the Land Ceiling Act that restrained speculative land investment, and also the micro-processes of plan violation and planning for violation. Even though not within the scope of this research, it is relevant to think about the connections between violations and the explosive growth of Bangalore in recent decades. A plausible hypothesis is that the growth in Bangalore (and the subsequent property boom and high and exclusionary land values) is achieved through transgressing the planning system that was initially designed to control the growth.



### **8.5 Planning networks, collaboration and negotiation: Implications for planning reform.**

To provide inputs into the 12<sup>th</sup> national five-year plan process, the Indian government appointed a working group to review planning in the country and to propose reforms to be made in urban strategic planning. This committee identified ten issues on urban planning in India.<sup>226</sup> The political processes that operate through planning and their implications have been completely omitted from any detailed discussion in this report; consequently, the effect of these processes on the planning reform has been largely ignored. The only form in which it appears in the report is,

“The plan sanctioning and building approvals process is obscure, elaborate and held hostage to repeated instances of politics and rents seeking. A single window system will go a long way in addressing these issues. Call centres, electronic kiosks, web based services and other tools of modern technology should be used by all municipalities to bring speed, transparency and accountability into delivery of approvals and services to the citizens” (MoHUPA 2011, p.65).

A technical fix to improve *accountability* is being proposed to deal with the *politics* in planning. The possibility of planning by a *powerful working state* is seldom doubted in these versions of planning reform. Using the case of Bangalore discussed in this dissertation, I want to suggest that it is important to move beyond frameworks that may separate government actors from non-government ones or locals from non-locals to help us understand planning processes in general. Planning should be conceived beyond an abstract state practice. Instead, it should be seen as dependent on the socio-political relations within any context. I demonstrated that in Bangalore, the domain of practice appears to be a contest between the privatizing networks and the emergent public interest networks. Violations emerge as a site where these two networks meet. I argued that the outcomes that emerge from planning practice represent

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<sup>226</sup> 1. Lack of integration between spatial and sectoral planning 2. Lack of regional approach 3. Rigid and deterministic plans 4. Congestion and long commutes 5. Slums and squatter settlements around industrial estates 6. Randomly located new developments such as SEZs and Townships 7. Lack of Plan-Finance Linkage 8. Lack of institutional clarity 9. Lack of Capacity building and the enabling tools 10. Social exclusion. To address these issues, the report argues that three key approaches should be incorporated. Planning has to 1. Be vision-led incorporating participatory process; 2. Integrate spatial and development planning; 3. Integrate the urban and rural integration in a regional framework starting from larger regional level to the local level.

the interests of the networks that inhabit the sphere of governance. Planning was one of the main domains of populist and patronage politics in Bangalore as well as a public sphere for political negotiation. Planning process in vernacular governance is characterized by participation through negotiation and contest. Even though it is not the kind of participation where communities participate in arriving at a plan that is then implemented smoothly through the administrative process, I propose that these processes of negotiation and contest should also be understood as participatory where politics is active.

I propose that planning practice does not automatically operate as the welfare-producing, technocratic enterprise of the state, capable of achieving any common good and public interest. Instead it is a socially constructed sphere of governing urban space production and reproduction. Both public interest planning and private interest planning are to be understood as a result of continuous negotiation. I argue that an empirical study of planning practice, i.e. study of how the planning process is actually enacted and performed and how it is connected to outcomes provides us with a new window of opportunity to understand the societal frameworks on which planning depends. This would take us beyond the knowledge made through theorizing cultures of planning based on ideology and discourse and beyond conceptualizing it as a technical enterprise that an all-powerful state can roll out onto the society. For example, the public interest networks, discussed in Chapter 6, uses Right To Information Act (RTI Act), Public Interest Litigation (PIL), political pressures, neighbourhood campaigns, advocacy, public debates, multiple media negotiations, educating themselves about planning, law, administrative bureaucracy etc., to demand for outcomes of public interest. These constitute an integral part of the current planning practice in Bangalore. This compels us to have a plural understanding of planning practice than categorically conceptualize planning as a top down *governmentality* devoid of politics.

I argued here that that the institutional surveillance of planning system depends on many forms of micro-surveillance in society and in neighbourhoods. Further, I showed how regulatory control of land-use change in Bangalore and public

interest outcomes are dependent on confrontation, negotiation and various forms of political mobilization. In a complex democratic structure like that of vernacular governance in India, planning practice is influenced by the communities of interest that inhabit the planning sphere. Multiple forms of planning practices present in Bangalore compel us to locate an understanding of planning within the socio-cultural context of its practice.

### **8.6 Conclusion: scope and limitations and directions for further research**

Clearly, the scope of this research and the dissertation was limited to answering the research question posed within the short time frame within which the fieldwork and this research were conducted. First of all, the arguments posed about planning power in the context of local social and political networks are developed in the context of studying land-use planning and violations in Bangalore. So I cannot claim that all planning and politics in Bangalore operate in the form presented in this thesis.<sup>227</sup> This is because *planning* represents a wide range of practices (such as infrastructure projects, regulations of diverse kind, services provision, master plan making, political decisions on the allocation of resources, etc.) and these practices are particular to their location and to the actors involved. There are many instances where the planning process operates as per the institutional design in Bangalore. It successfully controls urban change and social behaviour in many situations while it is controlled in many other situations. Further, I do not claim that the research findings can be applied to other cities in India. However, by researching the specific social, political and administrative relations that define governance outcomes, I also imply that one should examine the specific conditions through which a particular planning process results in outcomes that might or might not conform to institutional design and normative expectations. Moreover, defending the conceptual framework that I proposed while examining planning and politics in Bangalore, I would propose that scholars working on such areas

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<sup>227</sup> For example, the increasing number of slum evictions or the increasing judicial interpretation of land-use planning.

should examine the underlying micro-political context that produce specific outcomes.<sup>228</sup>

Koramangala as a case study also has its own limitations due to its unique location in Bangalore. Moreover the KI activists' engagement with the planning system also owes, in part, to the type of people living there: middle class, mostly retired, resourceful and informed and willing to fight. Can I claim that the production of violations as well as the specific mode of activism is common in Bangalore? The answer is a *yes* and *no*. It is a *yes* because violations are a general phenomenon in Bangalore; not many people reflect on it as much as they worry about the consequences such as flooding, traffic problems, land value and so on. In their everyday life most people do not necessarily connect these disparate events. I do imply in this thesis that violations of planning made possible a large part of Bangalore's growth as well as the emergence of neighbourhood and environment activism. However, it is also a *no* because my data is confined to specific geographies and to specific people and groups. However, I do draw from a wide range of studies on governance both in India and elsewhere while developing such conceptual arguments. Nevertheless it is left to future research to examine how these processes transpire in different social and economic geographies of Bangalore.

A detailed study of the networks and their relationship was beyond scope of this dissertation. Moving beyond the recognition that certain specific networks inhabit the land-use planning arena, it is useful to ask if there are any macro structures that can be identified among the networks that dominate specific planning policy arena, such as caste, class, political party affiliation, ideologies and other social group dynamics. Therefore more research is required to understand the exact nature of the networks and, in particular, the role of various structures that may define a number of social relations in Bangalore and how they operate when it comes to planning outcomes. For example, in the case of Agenda for Bangalore Infrastructure and Development

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<sup>228</sup> When certain slums are evicted while retaining others.

(Abide)/Bangalore Agenda Task Force (BATF), the people involved in the network were different from the ones involved in the case of Mestripalya Lake. In the case of Mestripalya Lake, a wide range of social actors across social, economic and political affiliations were involved. This is not always necessarily the case everywhere in Bangalore. Further research with such specific foci may be able to identify the specific structural content of the networks that can relate to specific spatio-temporal outcomes. The ways in which planning networks operate among different social groups is a topic not attempted here due to the limited scope of this work. However, through proposing networks as a frame of analysis this thesis lays out a conceptual direction to examine such empirical problems in detail in the future.

The ways in which the relationship between violations and planning practice changed over time is not included in the scope of this research. This research can rather be seen as a history of the present. Bangalore has had different economic drivers and political cultures at different points in time. The ways in which planning and violations related to each other during the industrial growth of the city, farmers political movement or the liberalization phase and at what point in time violations increased or decreased etc., are beyond the scope of this research. These issues are of course important but are left to further research using archival material on land-use transformations, planning notifications and extensive court case analysis.

Furthermore a number of questions emerge out of my research that requires further validation as well as opens up windows for future research. The first relates to the nature of political authority and planning, i.e., under what conditions of political authority do planning systems work closer to the executive state apparatus? The nature of political authority and therefore its relationship with the executive authority varies within the Indian context spatially and temporally. For example, does the presence of a powerful and charismatic chief minister in Gujarat (a state in north western India) mean a more powerful planning authority in the city of Ahmedabad compared to Bangalore? Or does a more participatory approach that include a wide range of

political, economic and cultural requirements to plan making facilitate the construction of a civic governance and a realistic planning authority?

A second question might ask how social attitudes and economic conditions influence the conditions under which a planning authority can regulate urban transformation for public interest outcomes. For example, if enough private capabilities have been achieved, then would private property owners adhere to the regulations as a means of protecting their own freedoms? Even though the case of Koramangala discussed in this dissertation was about violations by the rich and it challenges this notion, it is useful to explore further the socio-economic conditions under which planning power is consented to. Are there certain planning instruments and planning process that would enable better compliance in certain contexts?

What enables planning power to be consented to? To counter many forms of public space violating behaviors (like waste dumping on street corners or urinating on public spaces), many vernacular instruments can be seen in the public spaces of India. Pictures of gods and goddesses can be seen painted on walls to prevent public urination on boundary walls; this is widely held to be an effective method. Similarly there is a massive inscription on the main gateway of the imposing state secretariat building in Karnataka that reads Government work is God's work. Does this mean that there is higher tolerance and willingness to consent to public interest, mediated through sacred forms of authority or communal forms of authority than to civic forms of authority in India? Currently there is definitely a crisis of the commons in Indian cities, especially in Bangalore, that seem to have generated a perception of collective helplessness. Therefore it seems important to ask how different forms of regulation - self-regulation, communal forms of mutual regulation and civic frameworks of public regulation - enable the commons and the liberal public sphere in India. What is the role of an ideology of the rule of law, welfare utility maximization and various other forms of social and political attitudes? This is better undertaken through comparing different planning regimes across diverse

political geographies such as a comparative study of planning in London and Bangalore.

Thirdly, one could consider whether the violations and the emerging governance networks are connected to the macro forces that are restructuring a welfare state that once not only built cities and urban spaces but also controlled urban growth and transformation through planning law? Within that context what kind of planning institutional reforms are more urgent to ensure production of a liberal public sphere and commons? This would require a detailed study on the history of transformation of every day planning practice in the last five decades in Bangalore and other parts of the world where large-scale violations are present.

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## Appendix 1

List of specific one to one interviews and specific meetings from the field work used in the dissertation. Original names and titles have been removed and referred to by the type of their engagement in the city.

1	Multiple interviews between May 2009 and July 2009; Jan 2010 and September 2010	Names Removed	Lead Activist and Local Resident: Koramangala Initiative, Koramangala
2	July 2010		Local Activist and resident, Koramangala
3	August 2010		Resident in a revenue layout and a local activist, Koramangala
4	Multiple interviews between Feb 2010 and Sep 2010		Local activists, community leaders and residents in the Mestripalya village
5	July 2010		School teachers at the Mestripalya village Primary school
6	Multiple discussion between February 2010 and September 2010		Squatters at the Mestripalya Lake Bed
7	April 2010; May 2010		Planning Activist, RTI Activist and Business consultant, Bangalore
8	March 2010		Local activist: Koramangala Initiative and entrepreneur, Koramangala
9	August 2010		Local residents, activists and users of the Third Block Park, Koramangala
10	August 2010		Local resident who is a Resident Welfare Association Activist, local politician and a property developer, Koramangala
11	Multiple interviews between January 2010 and September 2010		Local residents living around the Mestripalya Lake
12	Multiple interviews between January 2010 and September 2010		Local Resident Welfare Association Activist, Koramangala
13	Multiple interviews between February 2009 and		Lead activist and Programme Coordinator,



	July 2009; January 2010 and September 2010		Resident Welfare Association and Koramangala Initiative, Koramangala
14	August 2010		Local resident and lead activist, Koramangala
15	March 2010		Local resident and activist, Koramangala and campaigner for Primary Education
16	February 2 2009		Local residents and Lead activists, Koramangala Initiative, Koramangala
17	August 2010		Local resident and litigant, Koramangala
18	April 2009; June 2010		Lead Activist, Citizens Action Forum, Bangalore
19	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Lead activists and residents: Koramangala Initiative and Resident Welfare Association, Koramangala
20	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Group of Lead Activists Koramangala Initiative who are also local residents in Koramangala
21	February 2009		Local activist and resident, Koramangala
22	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Lead Activist Koramangala Initiative and local resident, Koramangala
23	Multiple interviews between February 2009 and July 2009		Local resident and lead activist, Koramangala and Right to Information Activist, Bangalore
24	May 2009		Lead activist, Citizens Action Forum, Bangalore
25	February 2009		Local lead activist and local resident, Koramangala
26	June 2009		Local resident and petitioner, Koramangala
27	February 2009; March 2009		Resident Welfare Activist and Right to Information Activist, Bangalore
28	July 2009		Resident Welfare Association Activist, Sadhashiv Nagar,

			Bangalore.
29	February 2009		Retired business man and activist, Indiranagar, Bangalore
30	February 2009		Lawyer, Public Intellectual and Activist, Bangalore
31	February 2009		Lawyer and Human rights Activist, Bangalore
32	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Lawyer and Activist, Bangalore
33	March 2010		NGO Activists, Bangalore
34	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		NGO activist and Campaigner, Bangalore
35	March 2009		Group of Academics Bangalore
36	March 2009		Academic and Bangalore Resident
37	February 2009		Journalists, Koramangala
38	Multiple interviews between January 2010 and September 2010		Koramangala Resident and Lawyer.
39	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Academic and Bangalore Resident
40	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Researcher, and Environmental activist
41	May 2009		Researcher in a local think tank and advocacy organization
42	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Activist and researcher, Bangalore
43	March 2009		Retired Academic and Planning theorist, Bangalore
44	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Academic and Environmental Campaigner, Bangalore
45	March 2009		Local Architect, Bangalore

46	May 2009; August 2010		Lawyer, Bangalore.
47	May 2009		Academic on Public Policy, Bangalore.
48	May 2009		Academic, Bangalore
49	February 2009		Local Architect and Ex-Advisor to government on urban affairs, Bangalore
50	June 2010		Real Estate Consultant, Agent and Broker, Bangalore
51	August 2010		Property Developer, Bangalore
52	June 2009		Real Estate consultant and Broker, Koramangala and Bangalore South
53	August 2010		Local Architect and Developer, Koramangala
54	August 2010		Real Estate Consultant, Broker and Agent, Bangalore.
55	April 2009		Architects and Property Developers, Bangalore
56	July 2010		Real Estate Developer, Bangalore
57	May 2009 and July 2010		Real Estate Broker and Agent, Koramangala
58	August 2010		Planning consultant, Bangalore
59	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Planning consultant- and Member of the RMP 2015 team.
60	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Planning consultant- and Member of the RMP 2015 team, Bangalore
61	August 2010		Planning consultant- and Member of the RMP 2015 team, Bangalore
62	July-2010		Planning consultant- and Member of the RMP 2015 team, Bangalore
63	June 2009		Planning consultant- and Member of the RMP 2015 team, Bangalore
64	July 2010		Members from City Connect –Janaagraha,

			Bangalore
65	August 2010		Planning consultant and Ex BATF member, Bangalore
66	May 2009		Ex- Senior advisor to government and Ex-BATF member
67	February 2009		Business man and Ex government advisor, Ex BATF member
68	February 2009		Planning director, BMRDA, Bangalore
69	Multiple interviews between January 2010 and September 2010		Very Senior Administrator, BBMP, Bangalore
70	May 2009		Senior Planner, BMRDA, Bangalore
71	May 2009		Very Senior Politician and Ex-Legislator: Bangalore
72	June 2009; August 2010		Very Senior Administrator, BBMP, Bangalore
73	August 2010; September 2010		Special investigative Officer at the Income Tax Department, Bangalore
74			
75	August 2010		Very Senior Administrator, GoK
76	July 2010		Chair Person, BDA
77	July 2010		Very Senior Administrator, BDA
78	March 2009		Local BBMP Engineer, Koramangala
79	August 2010		Local Ward Engineers, BBMP
80	June 2009		Bangalore Resident and Retired Senior Civil Servant, GoK
81	March 2010		Senior Planner BMRDA, Bangalore
82	June 2009		Very Senior planner, BMRDA, Bangalore
83	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Very Senior Planner, BDA, Bangalore
84	78		Senior Planner, BDA, Bangalore
85	May 2009		Senior Planner, BMRDA,

			Bangalore
86	August 2010		Director, Town and Country Planning Organization, New Delhi, India.
87	July 2010		Very Senior Administrator, LDA, Bangalore.
88	February 2010		Very Senior administrator, Revenue Department, GoK.
89	March 2010		Very senior administrator, LDA, Bangalore
90	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Very Senior Planning Director, UDD, GoK
91	May 2009		Very Senior administrator , LDA, Bangalore
92	May 2009		Senior Engineer, BBMP, Bangalore
93	August 2010		Senior Planner, UDD, GoK
94	August 2010		Senior Planner, UDD, GoK
95	July 2010		Senior Administrator, Forest Department
96	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Very Senior Bureaucrat, Ministry of Urban Development, GoK
97	August 2010		Retired Very Senior Administrator, BBMP, Bangalore.
98	June- Sep 2010		Senior Planner, UDD, GoK
99	August 2010		Very Senior Administrator, UDD, GoK
100	August 2010		Multiple discussions with various very senior, senior and Junior officials in Revenue Department, GoK
101	Multiple interviews between January 2010 and September 2010		Very Senior Administrator, BBMP, Bangalore
102	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Very Senior Planning director, UDD, GoK.
103			
104	June 2009		Very Senior Judges, GoK
105	September 2010		Meeting with Very Senior Planning Director, GoK and

			Very Senior Administrator, GoK
106			
107	June 2010		Very Senior Civil Servant, GoK
108	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Senior Planner, BBMP, Bangalore
109	27- march 2010		Very Senior Administrator and Politian, BBMP, Bangalore
110	July 2010		Senior Official, Forest Department, GoK
111	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Senior Planning Director, UDD, GoK who had worked previously in BBMP and BDA.
112	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Discussions with Senior Engineers and Planners BBMP, Bangalore
113	June 2010; August 2010		Very Senior Bureaucrat and Administrator, BDA, Bangalore
114	Multiple interviews between February 2009 and July 2009; January 2010 and September 2010		Very Senior Planning Director who was at BBMP and BDA, Bangalore
115	May 2009		Planner, Karnataka Housing Board, GoK
116	August 2010		Retired planner and currently very senior advisor on Planning matters, GoK
117	Multiple interviews- between February 2010 and September 2010		Senior Advisor to government on urban affairs, GoK
118	Multiple Interviews between February 2009 and July 2009; January 2010 and September 2010.		Retired senior government official and advisor to government, GoK
119	March 2009 and June 2010		Very Senior Official, GoK
120	March 2010		Meetings with Senior Planning directors, Institute of Town Planners, India and

			Delhi Development Authority, and National Insitute of Urban Affairs, New Delhi, India
121	June 2010; August 2010		High Level Public Administrator and Politician, BBMP, Bangalore
122	June-2009; August 2010		MLA and Politician, Bangalore
123	July 2010		MLA and Politician, Bangalore
124	July 2010		Local Politician, Bangalore
125	March 2009		Various discussions at Multiple Information commission case hearings, and at the Ombudsman, Bangalore
126	September 2010		Various discussions with organizers of a Public Sector Employees Cooperative Society, Bangalore
127	Multiple attendance between February 2009 and July 2009; January 2010 and September 2010		Multiple discussions at various meetings of Koramangala Initiative and Citizens Action forum.

## Appendix 2: Bangalore; Urbanization and Planning: A short note on history

### Emergence of Urban Bangalore – the political and economic geography

Bangalore is the largest city of the Karnataka State in Southern India. It is also one of the five largest cities in India and one among the fastest growing metropolitan regions. According to the 2011 Census of Population, about 8.45 million people lives within the BBMP limit of 741 square kilometers (in 198 wards). Bangalore urban settlement dates from the 1500's when a fort (*kotte*) and a city (*pette*) were first established as part of the sprawling Vijayanagara Empire in South India (Heitzman2004, Srinivas 2004, Nair 2005). Heitzman (2004) notes that,

“the historic opportunity for Bangalore came with the military defeat of Vijayanagara Empire in 1565 and the destruction of its capital (Hampi) by a coalition of Muslim Sultans, [because it shifted economic trade routes towards Bangalore and it attracted artisans, merchants and] inherited the role of Vijayanagara as an economic centre” (p.26).

Since then, the political command of Bangalore passed through the Sultanate of Bijapur, the Mughals, various rulers of Mysore State and the British until the Indian independence in 1947 after which it became the capital of Mysore State until 1956. After the formation of the independent State of Karnataka in the 1956 linguistic reorganization of states, Mysore was annexed as administrative district within Karnataka, and Bangalore became the capital of Karnataka.

The economic geography of Bangalore reflects this History. When the British took over, Bangalore was not only a well-known centre for craft and textiles but also the regional agricultural hub. Many village networks formed the regional urban agglomeration. Heitzman (ibid, p.24) notes, “the topography of Bangalore makes it unlikely spot for a metropolis, since it lies on a semi-arid plateau between 900 and 1000 meters above sea level, with no major rivers running near the city”. However the various rulers, community leaders and farmers converted this topographical disadvantage into an advantage by building interconnected lakes and tanks that enabled the region to be a rich



agricultural economy; the consequent salubrious microclimate that emerged earned the city its popular title - the *garden city* - as well as attracted settlers from various parts of India to lead a peaceful retired life. Successive leaders also made their marks through building various water tanks and gardens in the city.

In 1807, the British East India Company established an administrative and military base for their cavalry and infantry with administrative offices inside the fort (Heitzman 2004). Many historians argue that this was a defining moment and that the “existence of this cantonment led to a bi-polar growth during the 19th and 20th centuries” (ibid), when the life in the colonial enclave was separated from that of the natives, both physically and socially (ibid, Nair 2005).

By the 20th century, Bangalore grew from the “air conditioned city for the British” (as Heitzman puts it) into a regional centre in South India. The economy that was once dominated by agriculture and small-scale textile and craft production slowly diversified, with the introduction of many educational and research institutions and centres of administration, production and trade. During the late 1800’s, many large textile mills started to function on the western side of the city. From 1940 through to the 1970’s, Bangalore many public sector units for production of capital and consumer goods were established in the north and north east. Around these developed many clusters of technology, space research, science and defense research and educational institutions.

As the capital of the erstwhile Mysore State and subsequently of Karnataka State, Bangalore was also home to many administrative institutions. During the early decades of independence, India’s political leaders conceived Bangalore as the *city of the future*. This vision provided impetus to the efforts from the central as well as regional governments which made institutional and infrastructure investment in the following decades.

These, along with the recently emergent dynamic private enterprise in the 1990s contributed to the emergence and stabilization of the Information Technology industry. The city now occupies a prominent position in the current phase of economic growth and urbanization in India (Parthasarathy 2000, Nair 2005, Heitzman 2004, Srinivas 2004). It is a city of education, manufacturing, administration, information technology and enabled services and biotechnology. It has a varied employment sector profile. With a US\$47.2 billion economy including its US\$3.7 billion of foreign direct investment (11% of India's total FDI), Bangalore is one of the most significantly globalizing urban regions in the country (BDA: 2007). From 2001 to 2011 the population of Bangalore increased from 5.7 million to 8.45 million (48% decadal growth) and the area increased from 225 square kilometers to 741 square kilometers. Discounting the impact of change in area, the city's population grows annually at the rate of above 3%, its employment at 6% and average incomes at 9% (RMP 2007). Manufacturing (43.36 %), banking and insurance (11.07%) and services (31.51%) dominate its employment profile (RMP 2005, p 7).

Increased economic opportunity attracted immigrants from different parts of the country as well as from different parts of the world. The annual population growth rate is about 3.5% for the last two decades (RMP 2007, CDP 2006). Currently Bangalore has a floating population of about a million (ibid). In the past two decades, about 45% of the population growth rate is the result of immigration (ibid). Bangalore is probably one of the most multicultural cities in India; only about one third of the population registered Kannada (the official language of Karnataka) as their first tongue.

The demand for infrastructure to support this rate of growth far outweighs the existing supply. This rate of growth has its impact on the civic infrastructure and challenges on urban governance. Even though Bangalore has a diversified employment sector, growth in the last two decades was mainly triggered by the Information Technology and Information Technology Enables Services (ITES) industries and the subsequent spillover effects had created a large number of high earners. This obviously added more pressure on the land, labor and

infrastructure. These pressures were unprecedented and perhaps unexpected; a common notion expressed by administrators and planners was that “the growth in Bangalore took everyone by surprise” and “no one expected this kind of growth”. Another comment one often hear is that “Bangalore is unplanned”; obviously an impressionist response to that experience of daily living.

### **Emergence of modern administration and planning**

After the defeat of Tipu Sultan by the British in 1799 through capturing Bangalore and Srirangapatnam (the then capital of Mysore State), they reinstated a five-year-old child as the king of Mysore with Mysore as its capital. The British established a military base (cantonment) in Bangalore with a resident in charge. Later, due to a rebellion against the king, the British took over the administration of Bangalore and appointed a commissioner, relegating the king to a ritual position in Mysore. Bangalore became the administrative capital and Mysore was retained as the seat of the King (Heitzman 2004).

James Heitzman (2004) argues that, “the commissioners oversaw a variety of organizational and technological changes that streamlined administration and transformed Bangalore into a node within the colonial information network.” From 1840’s until the end of the century, a series of administrative reforms and infrastructure works established the city as an important node. Administrative languages were limited to Kannada and English; English middle schools were established, telegraph lines were put in place in 1854, the first railway line was opened in 1864, various parks, parades and administrative buildings water reservoirs and distribution systems were constructed, postal systems were linked in 1889, a civil service examination was set up in 1891 which helped to form a modern state bureaucracy and the city was electrified in 1900 (ibid).

In 1881, the British returned the state to the rule of the Mysore king after abolishing the system of commissioners- instead put a *Resident* in control. The king appointed prime ministers to rule on his behalf. The king did not maintain absolute sovereignty due to challenges posed by two large land-owning groups

– the Vokalingas and Lingayats. Even today, the democratic politics and government formation in Karnataka are characterized by the political equations defined by these two community groups. In 1881, a representative assembly was set up in the state, the members of which was initially nominated by the state, but later were elected from a small group of property owning elites (ibid).

A town planning committee was set up in 1889 to create new residential layouts for the city by expanding its suburbs. The committee built the first layouts in the city by 1894. Many versions of such committees till the 1920's developed many urban layouts. By chance, 1894 also marks the start of an important 118-year era in the history of urbanization and development in India with the passage of Land Acquisition Act. Since then, Land Acquisition Act had become the tool of the state and any forces in the name of the state to forcibly acquire land through the invocation of the *law of eminent domain* in the name of public interest. The Act not only enabled the establishment of large infrastructure projects that required land, but also resulted in massive dislocations and dispossessions in the last century. .

The Land Acquisition Act enabled the British to intervene during the plague epidemic that swept through Bangalore in 1890's. Crowded neighbourhoods were demolished, roads and sewage systems were expanded and communication lines were established (Heitzman 2004). The state and elite-induced transformation of Bangalore into a modern industrial society began around this time and reached its first peak during the time of Mr Visvesvaraya as first the Chief Engineer of Mysore State and later as the Dewan (Prime Minister) during the early decades of the 1900's (Ibid). Heitzman described him as a man who was "scrupulously honest and dedicated to modernization, who had travelled Japan, Europe and United States" (Ibid, p.36). A series of infrastructure and administrative reforms followed, including massive state-led industrialization and an increase in science and technology education. He became one of the main influences of Jawaharlal Nehru's vision of modernization. Even though Visvesvaraya's *industrialise or perish* approach (Heitzman 2004) came in conflict with Gandhi's imagination of India as a land of

villages and bottom-up self-governance, the state-led planning and modernization model defined the post-independence trajectory under Nehru's leadership. This model was rolled out across India in the form of dams, new cities, technology institutions, planning commissions, infrastructure projects, large industrial establishments, public sector manufacturing and so on (Heitzman 2004, Guha 2010).

Bangalore Mahanagara Palike (Bangalore City Corporation- BMP) was formed in 1949 after Indian Independence by combining the *cantonment* and the *city* (Heitzman 2004, Nair 2005). The population of Bangalore then was 70,000 (ibid). The council of the corporation was elected from selected geographic divisions in the city and was headed by a ceremonial mayor whose term was one year as elected by the council. A Commissioner, appointed by the state government (then Mysore State), wielded the executive authority. This structure of local government administration continues until today, except that the council is formed of ward councilors elected from their respective wards (now 198 after successive stages of expansion) and the Karnataka State Government (GoK) appoints the Executive Commissioner who manages the day-to-day running of the Corporation.

The local government is administratively nested within the GoK, which in turn is nested within the GoI. Even though the Indian Federal system is characterized by a complex Centre-State relationship about privileges, responsibilities and authority in public administration, Urban Planning and Local Administration are predominantly Regional State subjects. Therefore the Karnataka Municipal Corporation Act of 1976 expanded the Bangalore City Corporation into the Bangalore Municipal Corporation (Bangalore Mahanagara Palike - BMP). In 2006, the BMP was expanded to include neighboring city municipal councils to form the Municipal Corporation of Greater Bangalore (Bruhat Bangalore Mahanagara Palike - BBMP) which today administrates an area of 742 square kilometers.

## **National background of Urban Planning**

As any national regime, the policy and institutional infrastructure that manages the urban areas have developed in various stages after the Indian Independence. The National Planning Commission developed successive *Five-Year Plans*, which established the conceptual and institutional foundations for the national government's development programmes as well as established the required institutions and provided frameworks for financial allocation. Most importantly, it also laid the foundations that enabled the preparation of various acts at a national level that required the respective state governments to organize themselves to manage their urban growth. Urban planning was designated as the Regional State government's domain and responsibility. The first two five-year plans stressed the importance of housing and the preparation of master plans by introducing the Town and Country Planning Act. Even though the first five-year plan (1951-56) recognized the need for planned development of urban areas, emphasis was on urban housing to address rural-to-urban migration and refugee problems caused by the partition of India . Most of the national institutions involved in urban planning were established during this period. The Second Plan (1956-61) initiated urban development act legislation for land-use planning. This Plan had also set up the Delhi Development Authority and put into motion the master planning process of Delhi led by the Ford Foundation. However, it was not until the Third Plan (1961-66) that actual funds for master planning and new town developments were allocated to state governments, thus putting into motion the urban development ambitions (Ganeswar: 1995, Routray: 1993, Mahadevia: 2003, Shaw: 1999).

The Delhi Master Plan became the main reference for subsequent master plans of other cities in India, in terms of the instruments and institutional architecture of plan-making and implementation. The Third Five-Year Plan period also saw the creation of a national urban land policy and planning legislation as well as the development of planning institutions by various state governments. Central assistance was given to the state governments to prepare master plans for their

respective urban regions (NIUA 97). Preparation of the land-use plans for urban areas became a statutory requirement for state governments, thereby making planning the urban areas to promote and accommodate the growth and development of urban regions their responsibility.

### **Legal and institutional context of planning in Bangalore**

Unlike many other states in India, the Urban Planning institutional architecture in Bangalore was more of a continuum from the 1890's through 1920's and 1940's rather than a starting anew in the 1960's after the call for statutory planning by the central government. There were organizations for development (i.e., the outward expansion of the city to accommodate new settlements) as mentioned above in the form of Town Improvement Committees and for maintenance (i.e. the maintenance of the existing areas). For example, Heitzman (2004), note that Vivesvaraya had an Urban Planning division inside his office during the 1917-1918. The State of Mysore passed the City of Bangalore Improvement act in 1945 and set up City Improvement Trust Board (CITB), which was to handle the development of planning layouts and infrastructure improvement for almost the next three decades until the 1970's. Heitzman (ibid) notes that the

“CITB was the first permanent incarnation of a state-mandated planning authority; at its peak in 1961 it was directing development schemes for the city and surrounding 171 villages. During the 30 years of its existence, CITB acquired 3411 hectares [34.11 square kilometers], and notified a total of 2279 hectares. It distributed 68,300 sites for residential, commercial industrial and institutional purpose, including 40% allocated to the economically weaker section of the population (ibid, p.44).

The mandate of the CITB included “drawing up improvement schemes, notification of its intentions to do so, inform the owners of the affected properties (of whose lands were being acquired), forward the schemes for government sanction, acquire land, execute the schemes, and transfer new

properties to the new buyers” (ibid). The CITB had even powers to take over the functions of the City Corporation after issuing a public gazette notification. Moreover, anyone who intended to form a layout in Bangalore had to obtain legal permission from the CITB (ibid). It can be seen that the planning institutional system that developed in Bangalore in recent years continue the same procedural and institutional architecture.

The first Master Plan for Bangalore was prepared by a committee named the Bangalore Development Committee, which was constituted by the state government under a former Dewan (Prime Minister of Mysore State), Mr Madhav Rau. This Plan was submitted to the state government in 1952, but as Heitzman (2004) notes, it could not be accepted legally due to a lack of necessary legal foundations for planning in Karnataka. Even though it was not adopted officially, this Master Plan (along with the Delhi Master Plan of the mid-1956) formed the basic epistemological framework that influences the master planning process in Bangalore until today. The plan, Heitzman (2004), argues had many elements of the then British planning thinking: “removal of factories from residential areas, establishment of the green belt around suburban extensions, creation of satellite towns outside the green belt, and a proposed arterial road that would channel the long distance traffic around the city” (p 44).

However, based on the second national Five-Year Plan, the Karnataka Town and Country Planning Act was passed in 1961. This enabled a comprehensive legal framework for Urban Planning in the Karnataka State. This not only enabled but also statutorily required the state government to prepare Master Plans and regulate the land use and control the urban form through the instrument of building regulations and other means. Objectives of the act specify that the

“physical planning with co-ordinated effort on a large scale” is necessary for a happier and healthier living environment. The act sets out responsibilities to “preserve and improve existing recreational facilities and other amenities, contributing towards balanced use of land [and] to direct the future growth of populated areas in the state with the view to



ensuring desirable standards of environmental health and hygiene and creating facilities for orderly growth of industries and commerce thereby promoting general standards of living in the state” (Karnataka: 2002 page numbers ????).

The act’s main objectives include: “co-ordinated effort on large scale”, “balanced use of land”, “preserve and improve assets” and “direct future growth”.

The act enabled the state to prepare a three tier planning system:

1. An outline development plan for the “Local Planning Area” (LPA) for setting out broad proposals;
2. A comprehensive development plan which is an in-depth regulating document; and
3. Detailed town planning schemes for the implementation of the comprehensive plan proposals.

Subsequently the City Improvement Trust, which existed since 1945, produced an outline development plan (1961-76) for 500 square kilometers encompassing the central city agglomeration of 220 square kilometers. It defined the planning morphology of Bangalore based on three concentric rings: a central urban area, a peri-suburban area with factories and industry and an outer rural tract, which remains as a green belt (Heitzman: 1999, 2004). It can be seen that such conceptualization of urban morphology for planning, based on urban containment and decentralized growth models influence the master planning efforts in Bangalore even now. Even though this plan was submitted to the government in 1967, the government seems to have accepted it only in 1972 (ibid).

Based on the recommendation of the group that made this Outline Development Plan, the Bangalore Development Authority Act of 1976 enabled the formation of the Bangalore Development Authority (BDA) by merging the Metropolitan Planning Board and the City Improvement Trust Board (CITB). The planning and development of Bangalore, with this move, for the first time was brought under one organization and under the authority of the Karnataka State

government. The BDA is primarily responsible for Planning and Development (i.e. implementation of projects) within the functional urban region of Bangalore. In 1986, this organization produced the first Comprehensive Development Plan for Bangalore - CDP1986-2001. This plan mainly consisted of a land-use plan for Bangalore's functional urban region and building regulations. This was revised in 1994 and then again in 2004 - the draft of which took another three years to be released as the Revised Master Plan in 2007 (known as RMP 2015) for an area of about 1,300 square kilometers. The BDA prepares Master Plans for the functional urban region that is much bigger than the Municipal Corporation limits. The Bangalore Metropolitan Area (BMA), as it is called, includes the entire BBMP area of 742 square kilometers and numerous villages that surround the BBMP with a population of about 8.5 million. Since the BDA's formation, it has worked under the control of Karnataka State government's Ministry for Urban Development and is overseen by the latter's Secretariat and the Directorate of Town Planning.

Even though thoughts about Regional Planning had been around since the 1960's, among the members the Metropolitan Planning Board (the planning committee) under Mr Madhav Rau, only the 1985 Bangalore Metropolitan Regional Development Authority Act enabled the establishment of BMRDA to plan for the larger region of Bangalore - including urban and rural revenue districts - covering an area of about 8,000 square kilometers.

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