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Urban planning in vernacular governance: land use planning and violations in Bangalore, India

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Urban Planning in Vernacular Governance
Land use Planning and violations in Bangalore, India[1]
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Abstract

This paper examines the relationship between urban planning practice and planning violations in Bangalore. Through ethnography of the practice of planning networks, It demonstrates that the domain of urban planning in Bangalore is shaped by the ethos and practices of mutually contesting Public and Private interest associational networks working to achieve Public and Private interest outcomes respectively. This is demonstrated using ho w private interest networks shape planning through plan violations and planning for violations as well as how public interest networks shape planning through multiple political, legal and administrative interventions, both of which together prevents the formation of any ideal typical planning system for a Comprehensive Master Planning Regime. Rather than a deviation, violations are identified as the outcome of the particular kind of planning practice embedded within the political culture of democratic governance in India. Ethnographies of Indian state constantly points to the blurred boundaries between the categories of state and society in India. Findings from this research conform to this; actors from both inside and outside government rather than act to achieve the cause of their positions act in the interest of the networks within which they are associated with - public or private interest. Therefore, combining lessons from political systems and policy networks studies of the state and governance with ethnographies of the everyday state in India I propose a conceptual language of Vernacular Governance to trace the constantly changing shape of planning practice in Bangalore through its relationship with planning violations. This paper attempts to raise questions on theorizing planning practices as embedded within the political culture of particular contexts, rather than taking for granted dualist conceptualizations of state and society producing on the one hand theorizations of planning failures and on the other, informality, implementation failure and corruption.

1. Introduction

On February 23rd 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. Within days of the accident, the City Police Commissioner issued a public directive in which he claimed that Carlton Tower's *deviation* from *planning and building regulations* was responsible for the casualties (Bidari, 2010). He stated that the owners neither constructed nor maintained the building as per the approved plan. It was widely reported that the building not only had no legally required offsets[2] from the neighbouring properties to enable fire rescue operations, but also had an entire extra storey beyond the permitted plan (ibid). Moreover after completion, the developers did not obtain an *occupancy certificate,*[3] which declares

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[2] Legally required minimum setbacks from the site boundary that enables fire fighting
[3] 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

the building fit for occupation. After pointing out these, the commissioner further stated that in his investigation it was revealed that a large number of buildings in Bangalore deviated from the approved plans [4] and that many buildings do not have the required certification (commencement, completion and occupancy certificates). Therefore, the Police 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 not the directive required them to take, "immediate steps to ensure that the building is modified to confirm to the approved plan, [and fire regulations], as early as possible and latest by 30th June, 2010[5] (ibid). [6] If this was not possible due to the scale of the deviation, for example, a complete change of use or lacking occupancy or other certificates, then he directed the inhabitants to vacate the building, rectify the violations and obtain the required certification. [7] The commissioner declared that those who do not comply with his directive would be prosecuted; the directive was widely publicised and circulated to all police stations in Bangalore City for strict enforcement.[8]

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. Commenting on this, the chief editor of the journal, on 28th February 2011, wrote that rather than making an empty claim that he could enforce the law, the Commissioner could have at least attended the annual memorial event (for Carlton Tower victims) held near his office and expressed his sympathy (Vincent, 2011).

Obviously, Carlton Towers was not a slum in Bangalore tucked away from the public and official gaze where urban poor residents struggle to settle in the city deviating from urban planning regulations. [9] Rather, it was a large, shiny office building in the middle of the city that housed a well-educated and aware labour force that actively participated in the production of the global economy of Bangalore. So here is an obvious question; how such large-scale violations do gets produced and how are they connected to the extensive planning, implementation and enforcement process in Bangalore. How come such obvious violations of planning rules are not identified by the plan implementing and enforcement agencies? Further, in spite of identifying the violations in other buildings, why did the Police Commissioner called for self-regulation rather than employing his official machinery to enforce the planning law and regulations, even though he knew well that the occupants of Carlton Towers, at any point till the accident, did not report about any of the violations to any planning authorities?

In this paper, I will answer how and why are planning violations produced sustained and contested in Bangalore in spite of the presence of elaborate planning, implementation and enforcement mechanisms? By closely studying the relationship between land use planning and its violations, I will attempt to theorize urban planning as it is practiced in Bangalore; further reflect on the implications for lessons for planning analysis itself. One of the main heuristic devices used to answer this question involves making a distinction between planning ideology, planning system, and planning practice - in which planning practice denotes the interactive domain of social, political, ideological and governmental processes. Drawing from my ethnography of planning networks, I will move beyond the usual approaches in urban planning studies, like evaluation of the plan (or policy) and its discourse, or process and arenas of decision-making, or implementation and enforcement, etc., taken separately. Violations become a geographic site where planning practice is theorized in relation to violations rather than violation in opposition to planning. I shall propose to rethink many foundational ontological dualisms like the formal/informal, state/society,

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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, 1963).

[4] 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.

[5] [within a month]"

[6] Page numbers not available

[7] As required u/s 190 of The Karnataka Municipalities Act, 1964

[8] 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).

[9] Nor are the many projects that the commissioner implies in his directive

governing/governed and plan/violation, among others.

Through answering *what is this a case of*, this paper will argue that violations are not to be understood as a deviation from planning, instead it is the outcome of the particular kind of planning practice in Bangalore. This practice is an interactive domain inhabited by both private and public interest networks formed of people from inside and outside the government and striving for private and public interest outcomes respectively. Violations in Bangalore should be understood as the *outcome of this networked planning practice* and is a fecund geographic and policy site to understand the politics of planning, in what I call *vernacular governance*; i.e., the wide assemblages (across political geographic scales) of governing networks and their transactions that shapes the planning.

In this paper, I will demonstrate how through plan violations, planning for violations and urban activism, diverse networks shape the practice of planning in Bangalore to produce specific outcomes that they desire. Using the idea of plan violations, I discuss how exactly smaller individual projects to larger layouts violate the land use plan and planning process. In planning for violations, I show how violations are internalized and regularized continually through reforming the planning system. Further I demonstrate how the planning activist networks challenge these two processes and produce what they conceive to be public interest outcomes using a range of socio-political and legal opportunities. These three processes, taken together, therefore continually produce each other and form the ensemble of planning practice in Bangalore. Using ethnography of planning networks, I will demonstrate that planning violations in Bangalore is not produced always in opposition to the formal, the official, the legal and the regular, and thus in deviation from the plan and planning, instead, in relation to it. It is a product of the planning practice itself- is a joint act- a cooperative endeavor, which involves official and unofficial actors and process across a wide range of institutional settings- both governmental and otherwise involved in the phenomena of relational governance.

Building on this research experience I propose that planning practice research in different parts of world should examine how and why various interest networks through their micro political interactions shape urban planning practices in specific ways. This will help to reshape many existing conceptual and analytical frames and theoretical propositions in planning studies that frames urban planning both analytically and normatively as the arm of the modern nation state. (Robinson, 1995 p.27) (Yiftachel, 2002, 1998) Presumptions in such approaches that 'the state' has the capacity to produce as well as govern liberal individuals, 'markets' and other self-interested entities[10] deploying individual public sector officials 'liberated' from their social ties and private interests while delivering public services to achieve public interest is fundamentally challenged in this paper. Social and political process behind specific planning outcomes, it is proposed, will be better understood through conceptualizing planning governance regimes as socially co-constructed.

The paper will proceed as follows. After an introduction to the complex experiences of the site of planning violations in Bangalore, this paper will critically examine the relevant literature from urban and development studies in general and challenge the notions of state-society dualism within which notions of informality, implementation failure, and corruption are circumscribed. Further, the paper will attempt to re-conceptualize violations by re-conceptualizing planning as well as public interest and will endeavor to build a new conceptual language of Vernacular Governance by borrowing conceptual ideas from policy studies, ethnography of the state and critical development studies. Further, a brief note on method, especially details and specific importance on the role of methodology in developing new theories from new geographies will be presented. Here, I propose that It is imperative to be methodologically innovative to derive appropriate conceptual devices and theoretical frames that will be able to make sense of the real planning experience in the post colonial urban geographies – where the so called modern nation state and its administrative apparatus is made operable in real by very different kind of flesh and bones, most of which is embedded in the specific socio political relations of the context, rather than 'liberated' officials governing the liberal individuals deploying any ideal typical techno-bureaucratic procedures. This will be followed by detailed analysis of the empirical material. The paper concludes with its main points on the implications of

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[10] Through imagination, provision, allocation, administration, regulation, implementation, enforcement, and so on

regulatory planning, within a conceptual framework that recognizes the embedded-ness of state and (in) society.

2. The site of Planning Violations

When a building, a layout or project violates the planning law, the official planning process, or the Master Plan land-use zoning, density or building regulations, then it is termed as planning violations. 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 usually agreed that anything from 50% to 75% of the entire building stock in Bangalore could have been built deviating from the planning norms. For example, in 2005, a local neighbourhood collective identified 87 buildings that violated land use norms in their local neighbourhood; the list was later confirmed by the Municipal Commissioner in the High Court of Karnataka (HoK) during the hearing of a Public Interest Litigation (PIL).[11]

Deviation is the norm when it comes to planning regulations in Bangalore and in majority of other cities in India. Encountering different forms of violations directly or indirectly is part of everyday life to the extent that it is almost invisible; innumerable people have become in some way stakeholders to that order (Nair, 2005; Rosario and Laing, 2006), and planning irregularity has become a domain of political mobilisation beyond the issue of enforcement of law and order. Multiple forms of violation of the planning laws constitute a large part of the economy, housing and spaces of everyday habitation; violations range from encroaching and landscaping the pavement as one's front garden; building temples and shrines on the side walk, 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 zones to commercial or industrial use, building on agricultural land without official permission, and encroachments into green belt and protected environmental areas such as lakes, wetlands and parks are very common. Large parts of the city that people engage with on an everyday basis like street markets, high streets, the doctors' clinic, workplaces, temples, apartment blocks, upmarket residential complexes, 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 can all be part of this order. Even various government departments violate the master plan stipulated land-use regulations, for example, by building on lakes and water bodies, parks, or by granting planning permission to projects in violation of planning act or land use plan, or by regularising the violations. The scale, variety and omnipresence of violations and illegalities in Bangalore mean that it appears in the work of many scholars who examine the city from a variety of perspectives. For instance, (Srinivas, 2001) describes the impact of violations and land use conversions 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 city networked with the global informational economy. (Nair, 2005) discusses at length violations and state illegality in Bangalore while analysing the role of law, master planning and the politics of spatial imagination in the "Promise of Bangalore's twentieth century" (ibid). Pointing out the banality of the urban illegality she notes that, "the official home of [the] chief minister opens onto a road that sports an illegal shrine" (p.155). Further, Nair (ibid) notes that,

> "[In] 1997, [a] 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 [housing] layouts, 13 resorts, 42 crushers and quarries" (ibid: p.160).

Similarly, (Benjamin, 2008, 2000; 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 land politics in Bangalore. Rosario (2006) and Rosario and Laing (2006) describe 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 Ranganathan et al., (2009) while analysing the question of water in peri-urban Bangalore. D'Souza and Nagendra (2011) and Sundaresan (2011) encounter violations while examining the environmental and political ecology of lakes and urban public commons in Bangalore. Violations also occupy a prominent position in the media, legal and political

discourses on Bangalore. [12] So the geography of planning violations is not only a confluence of many vectors of practices that shapes everyday life in Bangalore but also a domain of urban discourse.

2.1 Rapid urbanization and violations

One explanation for violations that I encountered frequently during my fieldwork is that the rapid growth of Bangalore after the mid-1990s liberalisation and the Information Technology (IT) boom "took everyone by surprise" (multiple interviews conducted between 2008 and 2010); especially the planning system. According to this explanation then, large numbers of violations occurred during this period and around the IT enclaves and related areas. 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) notes 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".

So violations have occurred at every stage of the city's growth process: in the 1950s and 1960s if it seem to have addressed the industrial workers housing and allied needs, in the 1970s and 1980s it was of the public sector employee, the office workers and the students; and in the 1990s and 2000s it addressed the demands of the IT industry and allied activities and spill overs. Moreover, violations in Bangalore are present across the urban geography as well as among various the social groups - in the industrial areas in the north and west, the slums within the city and in the peripheries, in the numerous erstwhile village lands that are trapped inside the planned (government planned, built and delivered) housing layouts, in the green belt around the city, and in the new Information Technology enclaves in the south and southeast (Nair, 2005). Not surprisingly then, 'there *is no planning in Bangalore'*, was a frequently statement that came from a wide range of officials, residents, politicians and professionals during my fieldwork. Most people perceive that the numerous violations, the precarious state of the public realm, mounting land values, traffic problems, water shortage, rapidly dwindling ecological resources, frequent flooding, and the precarious state of many lives are due to 'lack of planning'. [13]

3. The Architecture of Urban Planning in Bangalore.

The irony is that innumerous acts, institutions, policies, and government officials in Bangalore are engaged with planning the city and urban region. There are separate government institutions for local democracy, development plan making, service provision, and coordinating and managing specific sectors of urban development administration.[14] These organizations are legally instituted by specific government acts and

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[12] 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 affect the bio-diversity and microclimate. Indiscriminate land-use changes contribute to a lack of control over the volume of road traffic. 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.

[13] Heitzman (2004) also notes that he encountered this perception frequently during his fieldwork between 1994 and 2001 (p.283, 284).

[14] To briefly illustrate: Based on the KTCP act, the Karnataka State Government (GoK) appoints the Bangalore Development Authority, to prepare a 10-15 year Master plan. The GoK cabinet approves this Master Plan. The elected local government of Bangalore (BBMP) has little say in the preparation of this Master Plan, however, it shares the implementation with the BDA. The Bangalore Metropolitan Regional Planning Authority (BMRDA) comments on as well as coordinates this Master Plan approval process with the State government. The Bangalore Metropolitan Task Force under an Inspector General of Police aids the BDA and BBMP's enforcement process. A State Town Planning

interconnected using practice protocols and reporting structures of administrative bureaucracy (principal secretaries, secretaries, directors and so on). The GoK[15], is, the sovereign authority that presides over all these organizations. The administrative bureaucracy that forms a major part of the executive is made accountable to the legislature and is legally supported by the judiciary. The GoK appoints the Urban Secretaries and City Commissioners, legislates planning law and deploys the organizational capabilities to achieve various ends of land-use planning system. Organizationally, even though these organisations 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 innumerable interactions between many vertical and horizontal institutional segments, its actors and procedures. Protocol-wise the elaborate process architecture of planning and regulating land-use in Bangalore is enabled through intricate interactions between these institutional actors in various forms of organizational settings and operational relations, tightly controlled by the GoK using hierarchical command-and- control system of bureaucratic public administration and the instrument of rational scientific comprehensive planning that adopts specific land-use zoning regulations based on a planning standards-based approach. Variedly qualified planners, officials and engineers are employed in all these organizations (head office, regional offices as well as in local ward offices) for policy development, plan making, implementation and enforcement through close site level inspection, plot/project level surveillance and stage wise planning approval process. Further, a self-compliance (Harris, 2011), scheme operates through a mandatory planning application and permission process for all proposed public and private development projects. For example through a planning application regime, every applicant should demonstrate how the proposed project complies with the planning rules while seeking permission from the planning authority. Each proposal is closely inspected (at site) and verified by many officers at different levels to confirm its compliance with the planning rules before issuing planning permission. Further, during the project's execution stage, there is stage wise certification process- (commencement certificate, completion certificate and occupational certificate) enabled through deploying the surveillance apparatus of the planning authority that includes zonal as well as ward level inspectors. For example, only after obtaining a completion certificate (inspected and cleared by the respective officers) can an applicant apply for and obtain services connection (water, electricity and sewerage). This is supposed to ensure that the building or a project is in compliance with the respective regulations before it can function. Further mutual social surveillance is also enabled and institutionalized through a neighbors' complaints regime.

In short, the everyday practice of this panning apparatus aims to control the production of the built environment through close interaction between the actors, institutions and processes within the complex socio-institutional setting, i.e., the built environment is to be produced in the image of the land use planning rationale and ideology through interactions between the administration process, organizations (institutions and people with authority), documentations (title deeds of property and so on), procedures (the process of planning application) and agents of surveillance (to ensure deviations are identified and penalized). Given this intricate and extensive planning apparatus in Bangalore, [16] the scale of violations is a paradox and therefore its relationship with urban planning practice demands a closer examination and is the endeavored in this paper.

4. Reconceptualising Violations beyond informality, implementation failure and corruption

In urban and development studies, planning scholars have for the past six decades engaged with planning violations from the perspective of informality, implementation failure, and corruption. However, due to the

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Directorate provides technical advice to the Ministry of Urban Development as well as recruits and seconds planners to various planning and governance organisations in the state. In addition to these, there are para-statals that are managed by various ministries are also engaged in various decisions about transforming land-use, like the Lake Development Authority, Karnataka Industrial Areas Development Board (KIADB) and the Karnataka Housing Board (KHB) among others.

[15] Bangalore is the Capital City of Karnataka State and Town Planning is a regional state subject in India.

[16] While the current planning regime as described above sounds extensive and intricate, many historians of Bangalore have also shown that a lot of 'planning' has gone 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).

many unexplained gaps that they leave, I will demonstrate how these frameworks are unhelpful to explain planning violations witnessed in Bangalore. [17] Let me discuss this point briefly below.

4.1 Implementation failure

The failure of Master plan implementation is one of the common complaints of urban planners in India (Das, 2007, 1981; ITPI, 2004; Jain, 2008, 2003; Kirby, 1996; Routra, 1993; Thiruppugazh, 2008), and the large 'implementation gap', encouraged the National Ministry of Urban Development to instruct some premiere planning academic institutions in India to lead a process of rethinking the usefulness of a *Master Plan* instrument to organize the rapid urbanization of India's cities and regions.[18] From the perspective of the implementation failure, violations are commonly explained as a technical problem of organizational design: problems with the plan, the planning system and the structure of administrative machine that needs fixing from time to time. There is an assumption of an implementable plan and a non-implementable plan, and that the secret to implementation success involves fixing the details - getting the plan right, improving inter institutional co-ordination, streamlining of administration process, the removal of red tape, increasing resources, and identifying the right level of government organization to be in control and so on (Alfasi, 2006; Brody and Highfield, 2005; Laurian et al., 2004a, 2004b; Sabatier, 1986; Seasons, 2003). Following in this line, Stallmeyer (2011), for instance asserts that the lack of better coordination resulted in the illegal reclamation of lakes in certain neighborhoods of Bangalore. The state's capacity (knowledge, resources, technology, and attitude) and the right policy and plan in the correct format are therefore proposed in order to check implementation gaps 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. 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 (Rao and Bird, 2011; UNDP, 2005)*.

This language of implementation failure, while adhering to a conceptual loyalty to weberian hierarchy, ignores its limitations and entirely misses the opportunity to examine the relationship between planning practice and violations. It is worth recalling Aaron Wildavsky's reminder here - though decades old and was referring to a planning and public policy practice of a different generation in the United States – that implementation research should be clear on what exactly is one interested in explaining at any point in time and that planning failures will have to be understood as the way particular societies work in particular places and conditions (Pressman and Wildavsky, 1984; Wildavsky, 1973). I argue that conceptualizing violations as implementation failures does nothing else, but restate that the state apparatus – its command and control protocol - is not working *as expected*. It reveals and evaluates this expectation of how planning is *supposed* to be practiced by being embedded within the administrative hierarchy of policy-implementation-enforcement linearity. There is an implicit assumption that the hundreds and thousands of people involved in the governing process are just naïve without any agency and are only capable of just following the command from above during the process of governing. I argue that this emerges from particular assumptions as well as expectations about the nature of the state, of bureaucracy and of policy, crucially the expectation that the implementation process is something that operates only with elements 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 across diverse organizational and geographic

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[17] Planning Violations are pervasive across most cities in India

[18] The 'Beyond the Master Plan' conference was held in different parts of the country in 2009 sponsored by the Ministry of Urban Development, Government of India. I was present at one of the concluding sessions in Delhi and many senior planners in the country asserted that the Comprehensive 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 unavailability of adequate resources.

scales.

4.2 **Corruption:**

Similarly, even though corruption is a very slippery concept to define (Gupta, 2012; Haller and Shore, 2005; Robertson, 2006), 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. Based on this perception, all violations are caused by the corrupt politicians and the corrupt public sector employees. Discourse on corruption enjoys a privileged position in explaining not only the un-governability of India but also of other developing countries.[19] One of the largest and significant social mobilization and political movement occurred in India in recent decades that resulted in the subsequent election success of AAP[20] (arguably the first urban political party movement in India) in Delhi was the result of a major country wide anti corruption movement.

Similar to implementation failure, I argue that the discourse of corruption also exposes its own foundational assumption about how governing process *should* and ought to work. As it is well known, the mainstream definitions of corruption fundamentally revolve around the idea of the use of public office (by public officials) for private benefit (Heidenheimer et al., 1989; Heidenheimer and Johnston, 2002). Such a portrayal expects a particular kind of public interest oriented guardianship behavior from public officials by adhering to the notions, expectations and protocols of administration, in order to control and regulate the self-interested maximizing role of the private citizen. It is based on the assumption and expectation about the moral and political universe of the public sector employee and more fundamentally about his/her political identity that is supposed to confirm with the moral universe and the protocols of particular ideas of administrative hierarchy. As 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). However, 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 by actively or passively breaking them. Therefore, adherence to rules while in public office can become an unhelpful framework when categorizing an action or a person as corrupt. Moreover, in operations of political government, neat organizational settings are not always available for analysis to identify distinctly the principal, agent and clients. As Williams note, "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 and legitimate interaction between the state, society and economy thereby underplaying the idea of politics (Williams, 1999, 2000a, 2000b, 2000c,). Similarly, Akhil Gupta notes that "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). Further, the role of public officials as a private citizen (as an identity and as real participant - inside an outside the government) appears seldom in the analysis. Moreover, this framework does not take into account that not all rules and regulations may be just or always represent notions of the common good from all perspectives. Within this conceptual framework, there is also a presupposition that agents or all public officials can always act to satisfy this abstract expectation, or even in the ways that they can decide, without appreciating the complexity of the institutional and interactive context of practicing governance. As Robert Wade (1985, 1982) in his very fine-grained analysis of canal irrigation in south India revealed how even if certain engineers and officers wanted to opt out of the so called corrupt practice network, they could not, because different forms of *disciplining* were in practice, including transfers and appointments. Therefore reducing violations as caused by a few corrupt public official without considering the greed, compliance and the pressures from the private citizens, politicians, and a wide range of other actors and processes[21] is at the most a very partial explanation, usually used by scholars interested in evaluating how administrative hierarchies, policies and ethos of the abstract state

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[19] See for instance the British Academy-DFID Anti Corruption evidence partnership here. http://www.britac.ac.uk/anti-corruption (last accessed, 1st November 2016)

[20] Aam Aadmi Party

[21] Like the appointment procedure of officials, amendments to the planning law etc., that are discussed in the following pages

machinery work. Working within this narrow conceptualization, many government officers strive to challenge so called corrupt practices in India by risking their career and sometimes in the process they even their life.

4.3 Informality – from deviation to exception

Like implementation failure and corruption, preoccupation with the state has fundamentally defined the way scholarship on informality developed and understood violations. Until recently, the Informality scholarship was preoccupied with studying the spaces and practices of squatters, street vendors, slum residents and informal labor in developing countries[22] (McFarlane, 2012; Roy and AlSayyad, 2004) . Even though as early as 1989, Portes, Castells, and Benton (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 (Portes et al., p.12), subsequent studies, particularly those that dealt with developing countries, continued to focus on the life of poor people in its crowded cities. This scholarship definitely helped us to understand better how poor people proactively organize conditions that help them to live in cities by accessing services and entitlements from the state using social and political capital and so on. However this framework always conceived planning violations, as the domain of the urban poor and in opposition to (sometimes outside) the formal planning system and the plan. These studies argue that formal planning fails to plan for the urban poor therefore the urban poor manage to survive in the cities by subverting the exclusionary state using their political and communal capital. According to this scholarship, poor people lives in the geography of violation and the non-poor live in the geography of the plan. Officially only about one third of Bangalore lives in informal settlements, a lot of which were also regularized over the years.[23] Still this informality scholarship can be considered to represent the violations of the urban poor who occupies river courses, lake embankments, railway poramboku,[24] public and private trust lands in various parts of Indian cities that are not yet regularized. However, this scholarship is unhelpful in explaining the culture of violations that is pervasive in Bangalore (and in other Indian Cities) among the rich, middle class and working class neighborhoods as well. Why and how does the rich, middle and working class for whom the informality scholars argue that formal planning exist and aims to protect, should also engage in planning violations then?

In the last decade, however, informality studies has moved beyond its fixity with spaces and practices of the urban poor in the Global South (Ghertner, 2011, 2010; Hasan, 2004; Holston, 2008, 1998; McFarlane, 2012; Roy, 2002; Roy and AlSayyad, 2004; Soliman, 2007; Ward, 2004), by recognizing the deviant and illegal practices of the working class, the middle class as well as the uber-rich, while examining the changing forms of production of informality within the context of globalization, liberalization and the neo-liberal state. This line of theorization mainly had its origin from the studies on urban India; subsequent to Roy's analysis of Calcutta and referring to other similar contexts, informality was anointed to an analytical category. Examining the arbitrary way in which the Indian State flouts its own laws, rules and regulations in order to facilitate tenures or to attract capital (in the neo-liberal times), Roy argued that informality is a strategy of exception by the Indian state. Drawing from Agamben, (2005, 1998), Roy (2009, 2005) conceptualizes that this informality is about creating spaces (and practices) of exception and that it is neither synonymous with poverty nor a state of un-regulation; but a state of de- regulation. Roy (2009) posits that informality should be conceptualized as a characteristic style of planning in the Global South and is a strategy of the state that suspends its own rules and regulations in order to establish its sovereign authority upon the population for flexible allocation of resources and justice. Such territorial flexibilities, it is argued, allows the state to wield considerable power – "informality exists at the very heart of the state and is an integral part of territorial practices of state power" (p.84 -2009) (Roy, 2009, 2005) .

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[22] New vocabulary that emerged from this scholarship include 'self-help and entrepreneurship of the poor' from Peru (Soto, 2000, 1989) (Turner, 1969, 1976, 1972) 'informal sector' from Kenya (Hart, 1973), 'insurgent citizenship' from Sao Paulo (Holston, 2008, 1998), 'street politics' from Iran and 'quiet rebels' from Cairo (Bayat, 2000), 'extra-legal' from Egypt (Soliman, 2007, 2004), 'occupancy urbanism' from Delhi and Bangalore (Benjamin, 2008, 2007), to name a few.

[23] See Karnataka Slum Development Board, accessed at http://ksdb.kar.nic.in/slums.asp on 20 October 2015

[24] Translated as publicly owned wasteland

Drawing on this broad framework, Ghertner, (2015), for example, in his important study of aesthetic governmentality in Delhi, demonstrates how the Delhi High Court developed a legal framework based on 'looks' while delivering judgment on demolition of illegal developments – i.e., slums look unplanned and hence to be demolished, while the illegalities of the rich and middle class looks planned and therefore not to be demolished. While Ghertner's work definitely helps to understand what he calls 'aesthetic governmentality' of specific sections of the state – the planning authority and the law courts - it does not seek to explain the origins of these illegalities, irregularities and violations and its relationship to in the extensive planning system in Delhi in the first place,[25] . Similarly, even though Gururani, (2013) recognizes many complex political networks and transactions in the planning regime in Gurgaon and terms it 'flexible planning', broadly following Roy, argues that flexibility is a strategy of the *state power*. Similarly, Desai, (2012) also argue that through 'flexible governance' regimes, *the state* devises strategies to evict the urban poor in Ahmedabad.

This observation that rules and regulations are routinely exempted or flouted by many governments (government departments at local, regional and national levels to be more precise -) in India is and has been true for pre as well as post liberal India. The very prosaic level of violations in Bangalore,[26] as discussed above in this paper from the 1960's is a reconfirmation of this observation. However rather than construct a macro category of a powerful state as the explanatory, the authors seem to have missed the opportunity to examine how this so called state exist and operate in real and, If what exist in real is any consolidated entity at all, to be able to exercise sovereign 'state power'. It is a prosaic knowledge in India that the state apparatus in West Bengal where Roy did the fieldwork and based on which the theory of informality as the 'sovereign state power from above' has been argued is, in reality, a political patronage network resulted from the four decades of communist party rule. This network usurped most government resources and governing processes for the benefits of and advancement of the party members, supporters and allied networks. Through controlling the access to and services from these resources, the party networks managed to keep the voters as their clients. I argue that it is in closely studying the operations of this so-called state, in practice, that we will be able to make sense of the relationship between planning and violations.

To sum up this section, violations are indeed a site of informality, implementation failure and corruption when examined against how formal state process *should* work, but these frameworks are insufficient to understand violations as produced at the site of state-society interaction. While informality scholarship examines the complex processes of governing in opposition to (or as the strategy of) an assumed and abstract macro category of the state and the formal, implementation failure and corruption frameworks are premised upon the expectation that the state exist as a macro, abstract, public, hierarchical and powerful entity that is capable of governing a complex society by being detached from it's intricate transactions. Thus, making an understanding of planning violations based on these framework forces a dualist understanding of the formal versus informal, state versus society and norm versus deviation frame, and misses the opportunity to understand how, in practice, planning process gets embedded within specific socio political relations and political cultures of governance.

I propose that the need here is to appreciate violations as an interactive domain between the state and society; by developing a conceptual framework that will move beyond the assumed structures of the governing hierarchy itself. In the following sections, I will propose a conceptual shift from this state-society dualism and to one where the space of the formal state itself as embedded within local social-political relations.

5. Planning Analysis: -From 'the state' to ' 'culture of governance' (State in practice)

Reconceptualization of violations as necessitated in the case of Bangalore, I argue, involves an appropriate conceptualization of relationship between planning and the state in practice. Peter Hall (2002) argues that the roots of modern town planning go back to the anarchist response to the difficult living conditions that

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[25] Ghetner uses the word "vernacular production", but the vernacular mechanisms through which these- especially the non poor space is produced is not discussed adequately.

[26] As well as in other cities like Calcutta, Delhi, Chennai and even in small towns like Madurai or Cochin

emerged during industrialization in the Industrialized countries. Since then, various forms of planning movements (Sutcliffe, 1981, 1980), during the later parts of the 19ᵗʰ century and early part of the 20ᵗʰ century in Germany, UK, France and US, have brought about consolidation of planning acts and instruments as formal institutionalized practices to provide adequate housing, public space, heritage preservation, infrastructure and so on. Since then, even though various epistemologies and contingencies have shaped urban planning systems in different parts of the world(Friedmann, 1987; Hall, 2002), one common feature across national geographies is that urban planning became a formal institutional practice in most parts of the world - state governments self-appointed themselves and enacted planning laws to give them the legitimate right and duty to propose and control urban transformation. To this end, planning became a statutory regulatory 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 democratic state.

Therefore planning analysis indeed will help to understand the nature of state - however how should one conceptualize the nature of the state to inform planning analysis? Is the *state* available and amenable for analysis? Does all types of democratic regimes in the world have the same type of state to be able to apply similar categories as well as methods of analysis, like the concept of neoliberal state for example? 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, and officials more often than not challenge and subvert each others interests and ideologies. Moreover, different levels (local/national) of government may even work against each other due to political realities. Further the bureaucratic infrastructure of the modern state that enables it to govern performs differently across different geographies. So 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 and even within countries across scale.

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 Bénéï, 2001; Migdal, 2001, 1988, Mitchell, 2000, 1999, 1991; Sharma and Gupta, 2006; Steinmetz, 1999; Tilly, 1999), and proposed to move beyond any representation of the state as a coherent entity distinct from the society, towards analyzing the processes of government and political practice within the context of its non-coherence and blurred boundaries and in its interaction with the everyday social and political processes. 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. The degrees of coherence vary according to the history and politics in specific contexts. 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).[27] 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. Similarly, 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. [28] He proposes therefore to study the political processes at the spaces of interaction, which create the

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[27] 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.

[28] 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

effect of the state. Similarly, Migdal (2001) 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 behavior through means of legitimate domination and a rule of law. 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 emphasizing 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 gets further significant in, Foucault's, (2000, 1986) proposal 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 idea of it as a 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, 2000, 1986, 1980,).

Drawing from these conceptualizations, 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 embedded-ness, they propose, enables 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 these complex interactions between the state and social actors, thereby rendering the idea of an authoritative bounded state a fiction. Writing on politics in India, Kaviraj, (1999) and Saberwal, (1996) argues that the modernist notion of the state did not take root in India and it rests on its *vernacular feet of clay* (Kaviraj 1999). They argue that the clean, functional state that were to be established after the Independence of India (in 1947) functioned in practice by embedding itself within vernacular systems of practice in society such as caste, class and various other identities that shaped social transactions. Similarly, explaining why Indian democracy is generating a *crisis of governability*, Kohli (1990), drawing from Migdal, (1988), [29] argues that one should resort to a political explanation for this phenomenon. He posits that India is a *weak state* caused by a *crisis in authority* created by the competition between India's successive political regimes to gain control over local elites 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. Scholars, like(Pritchett, 2009) have come to call 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).

This can be seen very consistent in the work of Barbara Harris-White (2004) in her analysis of how various development and administrative practices of the Indian state - from the Public Distribution System to public

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us the actual contours of this (p 82)

[29] 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

bus route allocation - actually works. Harris-White 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 in original] (p.100)*. Referring 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.

Scholars of the anthropology of the everyday state in India examine 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 socio-political context rather 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. Similarly, Corbridge et al (2005) examine in particular how poor people in northeastern India *see the state*. 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 that often gets shaped 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 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 to understand 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 explaining how governing works in India. 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. This definitely calls for a renewed conceptualization of how governing actually works in India and what it offers in theorizing urban planning and governance, rather than constructing a macro explanatory of the sovereign state of exception. 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 a conceptual language could reasonably capture the complex, socially embedded, political dynamics in the sphere of governing, where processes and outcomes are largely shaped by a range of networked actors who are inside and outside the government?

5.1 Governance networks: towards a language of Vernacular Governance

In this paper, I propose that planning violations offers an opportunity to understand how various actors in the social political and government sphere interact, transform and reshape the ideal typical planning and

urban governance apparatus and produce a specific form of planning practice. I propose a conceptual language of *Vernacular Governance* in order to frame those governing transactions that appropriate the ideal typical bureaucratic practice of planning and public administration. This conceptual language attempts to portray how governing processes and outcomes should be understood as shaped by multiple influences of the interests of various local and regional networks of association. To build this, I shall draw inspiration from specific strands of existing scholarship.

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 councilors, 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 of 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 not surprising therefore that his empirical cases always focuses on either the rural or urban poor in India. This can also be seen in the inspiring work of (Benjamin, 2008, 2000, 2007, 2005) 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 democratize the exclusionary *state*. Benjamin extols 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 legitimizes citizenship in urban India based on urban planning for property ownership. What could a set of governing transactions be called - that rather than follow the preset protocols and procedures of public administrations contained inside the government or state machinery to control a society outside it - but instead gets shaped by *multiple networks* of *collective obligations, solidarities and mobilizations* in the everyday social world?

Drawing from the networks approach (mainly the social network approach), a range of scholarship that has emerged in the past two decades on *policy networks* and *policy communities* attempts to explain how policy and governing outcomes result from the involvement of a range of collective actors from both inside as well as outside the space of the government. This process of the dwindling monopoly of the state and government actors and the increasing role of diverse range of actors in shaping policy making and implementation arena is reflected in the language of *governance*. (Klijn, 2008; Kooiman, 2003; Pierre, 2000; Rhodes, 2000, 1997, 1994, 1995; Stoker, 1998). Rhodes argues that , "There are many forms of service delivery and we need to identify the conditions under which they work." (Rhodes 1997, p.131). 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). So *governance* is increasingly used as a conceptual approach to make visible various actors in the governing space. It is employed with varied intentions: to empirically explain certain governance outcomes, to provide a normative account of the process of governing, to identify coalitions and regimes in specific arenas. The role of the state varies according to the policy arena, problem of investigation and conceptual approach. There is Jessop's *strategic-relational approach* that recognizes complex relationship between structure, agency and strategy (Jessop, 2007), *private governance* networks in which the actors are not necessarily accountable to the government (Kooiman 2003), and *interactive governance*, in which governing occurs in the context of state-society relations (ibid, page 5). By recognizing the various influences in the sphere of governing, *governance* thus offers a conceptual language to illuminate how matters related to governance is shaped by a wide network of actors and processes.

Even though it emerged in the study of urban politics in the West where relatively stable states had been in operation until the hollowing out or emergence of multiple actors, it is also used by scholars of the post colonial countries as well, where historically fewer opportunities existed for stabilization of a modern liberal democratic state. For example, in many parts of Africa, scholars argue that the formal state plays limited role in everyday governance - a domain contested and occupied by various informal systems of social governance and state often acts alongside other forms of informal organizations to exercise authority and deliver services (Meagher, 2012; Oliver de Sardan, 2008, 1999; Olivier de Sardan, 2011). To describe such forms of rule and to represent the everyday operations of African states, De Sardan (ibid), for instance, uses the term "real governance" and Meagher (ibid) uses the term "hybrid governance". In this paper, 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 is shaped by this embedded-ness 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.[30] The language of the *vernacular* ground the specific ways in which universal categories, such as governance, the state, planning or bureaucracy, are appropriated, translated and shaped into local contextual realities. 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* [31] political coalition in Maharashtra translated the broad communal *Hindutva* [32] discourse to reflect local social and political realities to capture political power. Similarly, Michelutti, (2008, 2007) 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[33] in Mathura which in turn influences the shape and form of national politics(Gregory, 2009, p.867). Merry, (2006) 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. The social 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 governing takes 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

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[30] http://oxforddictionaries.com

[31] Shiv Sena and BJP (Bharatiya Janatha Party) are national political parties in India

[32] Hindu religious nationalism

[33] A caste group in North India

ties, neighborhood groups, or even regimes and instrumental coalitions that combines social capital with public office privileges. [34] By vernacular, here I not only intend to portray the range of actors involved in governing, but also the process of appropriating universal categories of structures and process of rule as well as the development of appropriate processes. 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 in relation to the governing structures and processes of the modern nation state. Through Vernacular Governance, I propose to bring differentiated cultural geographies into the analysis of governing. While it is important to see how the state and governmentality operate as discourses and expectations, it is through studying what kind of specific governing processes and practices solidifies in particular places as governing culture and shape particular outcomes in particular places, that we will get closer to understanding how social governance actually operates in particular socio-cultural and political contexts. This conceptualization is essential to understand how violations are connected to the multiple trajectories that shape the planning practice in Bangalore.

Considering governing as an interactional practice therefore also compels us to consider the question of what planning is, who does it and how planning process can be researched? Is planning whatever that the planners do or that the different institutions in the government does or the various governing interactions that produce outcomes on the ground? Although scholars who have sought to analyse planning practice more empirically has enabled the move beyond theorization of planning based on normative concerns towards examining how planning in particular places works in real practice, (see for example, Alexander and Faludi, 1989, Low, 1991, Healey, 1997, Vigar et al., 2000), or revealed the significant role of street-bureaucrat in the making of the real policy (Lipsky, 1980) this scholarship constrained itself to the analysis of the governmental space - decision-making process or the analysis of the planning/administration system (Friedmann, 2003, 1987). Such approaches have definitely enabled the move beyond the idea of a monolithic state, by brining forward the role of institutions, instruments, implementation practices as well as agency of particular actors, their performance and their interrelationships. Such policy process approach has also helped to move beyond the top-down policy-implementation linearity[35] to appreciate that policy, planning and implementation are continuous processes.

However whatever that is studied as planning under this approach stayed within the realm of government and administrative and techno-bureaucracy and largely isolated from the everyday social world within which the practice of governance is embedded. I argue that this is due to the idea that governance is carried out by only by government institutions and that all planning analysis is to be understood as a practice within the planning institution engaged in by planners. 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 paper therefore, I will understand violations by embedding it within the socio-governmental processes that shape the planning outcomes. Such an approach attempts to moves beyond simple focus on policy or plan making or its implementation to the intricate and interactive practices of governing. The various context dependent networks, actors, rules, processes and activities will then be visible for analysis in the arena across plan making, implementation as well as enforcement.

5.2 Violations as plan deviations to violations as outcomes of planning practice

Drawing from above, I propose that violations should be seen not as *deviations* from plans, but rather as the *outcomes* of vernacular planning and governance practices. From the vantage point of producing, sustaining and contesting violations, this approach will reveal the various actors inside and outside government, governance arrangements, protocols and practices that shape the planning practice. Of course, outcomes can be the result of a number of things, and not all of them can be equated to planning whether understood

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[34] Even though land ownership and political affiliations in Karnataka and Bangalore are deeply embedded in the traditional caste structures; however that dimension is beyond the scope of this paper.

[35] i.e., policy as something to be taken at the top by the privileged and experts and all along the chain downwards all others are just mortals implementing the dictat.

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 examine the interactive practices of multiple actors within and outside the government in the analysis of planning outcomes. Ethnographically examining the site of violations in Bangalore will demonstrate how the influence of multiple actors and networks of association continually shape and reshape the practice of planning in Bangalore. I will examine this below in three sections;

i)   Plan violation (production),
ii)   Planning for violation (sustenance),
iii)   Law is an ass (contestation).

Plan violations demonstrates in detail how specific sites of violations are produced through active appropriation of the ideal typical planning apparatus for its opposite ends; planning for violations discuss the planning frameworks that are specifically designed to appropriately incorporate plan violations. The last section on contestation will discuss how violations has become a site where public interest oriented activists gets mobilized and challenge both plan violations and planning for violations to restore the ideal typical planning apparatus. However confronting the vernacular governance networks and transactions, the activists move away from this restoration effort, instead shape a network based outcome oriented vernacular planning practice

6. A note on **Research method**

Methodologically, I have conducted this research mainly based on a wealthy neighborhood in South-East Bangalore in order to move beyond the usual practice of producing knowledge of southern urbanism through studying the urban poor and slums. 'The field', however moves beyond the bounded site ethnography to *planning networks* and to tracking similar cases elsewhere in the city as well as to policy and planning practices and actors across institutional settings. Ethnography of planning and violations networks thus enabled me to trace the multiple urban practice vectors (for example plan making or urban activism) that coalesce at the site of planning as well as violations. I adopted a *split field work method*, where after first 6 months of field work in which I studied violations in general as well as in the specific chosen neighborhood, I spent 6 months developing the ideas at the research desk and developing ideas that emerged from the ground. This process clarified that violations need to be understood in relation to the planning practice rather than as a deviation from it. Therefore, in the second phase of the fieldwork for 8 months, I identified specific projects and activist process for detailed analysis within the selected neighborhood and beyond. These specific cases enabled to reveal the specific modalities through which such projects and processes came into being and urban geography of violations that gets produced. My focus within the neighborhood and elsewhere in Bangalore included residential projects, lake and wetland encroachments, property litigation, conflicts and negotiations and struggles over urban commons and the working process of resident collectives. 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 activists. Data is collected through participant observation, semi-structured interviews and document analysis. Interviewees included planners, planning consultants, bureaucrats, local activists, local residents, NGO activists, journalists, advocates, lawyers, politicians and administrators. Pseudo names are used throughout this paper to protect the privacy of informants.

7. **Plan Violations**

   7.1 Individual small scale projects

A group of residents from Koramangala neighborhood[36] identified 87 specific violations of land use in their small neighborhood in 2005 in the Public Interest Litigation that they filed at the High Court of Karnataka against rapid illegal commercialization of their residential neighborhood. The list included hotels, restaurants, coffee shops, a clinic, nursing homes, IT offices, call-centers, retail shops, commercial complexes, a beauty salon, a vehicle repair shop, religious centers, educational institutions, nurseries, day care centers and travel agents. The petition also highlighted cases of street and pavement encroachments. While restaurants and cafes encroach on public streets with kiosks and sometimes with large building extensions, many wealthy resident owners treat the public side walks in front of their houses as their front garden planting ornamental plants and trees for shade, lawns and sometimes even cordon off the entire sidewalk stretch with a chain fence excluding any pedestrian access. The petitions also cited innumerable example where their objections to a 'Change of Land Use'[37] public notification had been ignored by the authorities while granting the Change of Land Use permission. During the court hearing, the BBMP commissioner admitted that the buildings named in the list are indeed a violation of the land use plan.

I asked a number of senior planners and administrators about how people manage to violate so openly and on such a large-scale in-spite of the constant surveillance of the neighborhood by ward engineers, local politicians, and zonal engineers. Not surprisingly, given that the modes of the vernacular protocols in Bangalore is known to everyone, the accounts given by them always contained the words, "It is easy; the engineers [or planners] will tell you how to go about it". To paraphrase here one among the many different ways to violate, is to start the construction work after *paying off* the local engineer and the local ward councilor and the local politicians. 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 his/her construction should not be demolished for the violations mentioned in the notice. Serving this notice meant that the official has performed their duty. In most cases things will end there and the landowners 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 notice. The court normally stays the demolition procedure until the hearing is complete, because people cannot be evicted from their abode on human rights grounds. The judicial stay will prohibit the demolition, while the property owner will continue with their work and complete it in whichever form that they will. 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, there are a large volume of such accumulated cases. Moreover, there is enough interest within the authority not to follow this up given that the engineers, planners and the local politicians and other officials have been paid off and the money doesn't just stay with them; it circulates among different conduits and networks of association – vertical as well as horizontal. Once the project gets built, the owner or developer may let (rent) it, live there or sell and move on. Even if the stay were to be vacated, after the building is sold to someone else, then it is of no use because the new owner will feign[38] ignorance. There are even mutually agreed strategies like setting up fake columns as super structure to make sure that at the commencement certificate stage inspection and documentation, the project *appears* to follow the planning permission. Once the inspection is done, the real super structure will get built by replacing the fake columns with real ones.

Officials pointed out to me that there is a large volume of such cases and that any legal action at any point in time is almost impossible. When I requested to the High Court under the *Right To Information* act to know the number of litigations that came before the High Court on violations between 2000 and 2010 in my case study neighborhood, I received the reply that the number was very large and that the court did not have adequate resources 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. Let me illustrate this below:

Rejith,[39] for example, narrated to me the incident of one such a large commercial building in his

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[36] South-East Bangalore
[37] See Section 8.1
[38] Or actually could be ignorant about the violations
[39] All names are changed

neighbourhood.

"Earlier this was under Jakkasandra Grampanchayat [village government] – they got their plan sanction [permission] through the Panchayat, even though it was a BMP[40] area. The owner bribed the corporator [councilor] to keep quiet. Even if we complain, *the official has to take action*, [emphasis added], [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 [the building] was regular [legal]. Then he asked if the right tax have 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 –February 2009)

Parallel governance systems established by the network of politicians, land owners, developers and officials as seen above is very robust 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 and land use change and built form is produced. This is exemplified from the fact that, even the planning permission process of an entirely legal development project proposal in Bangalore (and most of urban India) involves paying extra money to these vernacular planning networks – in particular to the officials and local power brokers such as the councilor, local politicians and the local engineer. The larger the project, the higher the political and administrative officials to which the stakes should reach. As one of my interviewees put it - money needs to be paid to, "to stop stopping the project" (Interview, property developer, August 2010). A normal Planning Permission for an entirely legal building proposal will cost about 5% of the total building cost,[41] of which less than a third is the actual processing fee; and the rest becomes the incentive for the officers and the engineers to process the application and provide required certificate and services connections within a normal time frame. 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*. Further, due to the multiple clearances required to apply for planning permission, such as, No Objection Certificate (NoC) from various agencies,[42] incentive money need to be paid to relevant officials in all those agencies. One developer of small scale projects told me that one of the Chief Fire Officers was the most kind person he had ever met among these networks, because, rather than demand money, the officer asked the developer to contribute to the medical expenses of one of the fire officers who had been severely injured on duty. [43]

In the case of violations however there are no fixed price; depending on the nature of violation and the scale of the project, the cost will vary based on the power of negotiation. Negotiations will have to be conducted during different stages with range of actors - the middlemen, local engineers, planners, politicians and administrators. In most cases employing a well-connected and experienced middleman would ensure that the client would have an easy process of negotiation and a sanctioned plan in the normal timeframe. These governance networks are very powerful and officials interested in opting out of this network cannot easily take any enforcement action. One very senior civil servant in BBMP notes,

"In a neighborhood if two or three buildings violate then usually everyone builds whatever they want to build. If an honest officer goes there to ask why they have constructed violating the norms, they will

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[40] Bangalore Municipality
[41] 2010 rates
[42] NoC required from Department of Land revenue, BBMP, BDA, BWSSB, Fire Authority, Airport Authority, Pollution control Board and any others relevant to the particular application.
[43] Because the department funds couldn't meet the cost of a serious burn treatment in a private hospital

be pointed to the neighboring building [that has some violations] 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 the neighboring building first. It is really difficult" (Interview-Very Senior Administrator: BBMP, January 2010).

Not all kinds of plan violations are always enabled through micro-negotiations with the street level bureaucracy and local politicians. In large-scale violation of planning laws and legal process the entire institutional apparatus of planning could be implicated. This mutual benefit associational network for private interest outcomes are exemplified in the case of housing layouts and large projects discussed below:

7.2 Large layouts:

An illegal layout is that which does not follow all or some of the clauses in the Land Revenue Act, the KTPC Act, BDA Act, Master plan and/or any other law or regulation. Many layouts in Bangalore violate all or some of the laws and regulations. For example, some developments neither obtain a land use conversion approval[44] nor a layout approval[45] while some others will obtain Conversion and Change of Land Use approval but then refrain from a layout approval. Some would obtain all these approvals but would build in complete violation of the approved plans and refrain from transferring the land for amenities and open spaces to the ownership of the BDA.[46] Some will nto obtain any approval and build the site layout. A site of land use violation therefore, for an outsider, is a terrain of *unknown-unknown*, for it has to be testified with every known land use law and regulation to understand the class of violation that it could belong to. Innumerable properties within the Master Plan limit of Bangalore are illegal layouts. In a 2006 newspaper article, one of the serving planners from BDA,[47]wrote that the spatial-data infrastructure that was prepared as part of the Master Plan 2005-2015 indicated that more than 300 Sq Kms (approx. about 30%) of land within the Master Plan boundary was unauthorized development (Hegde, 2012).

For example, technically, one expensive private residential layout with more than 150 apartments, that I examined in detail, was an illegal squat built on an Industrial land under litigation and without all required layout approvals from the BDA. The planning permission was issued by the BBMP even though it was not the competent authority to approve land subdivision and layout permission (which is the prerogative of the BDA). These complexities only came to be known when the resident owners of this project went about to challenge the developer's decision to build a new commercial building by subdividing and alienating (without informing them) the land on which the residents had a share of the freehold. A group of residents formed a collective and challenged the developers' decision in the High Court and successfully stayed the commercial development, for which in fact a planning permission had been issued. However during the litigation process, and from the documents obtained through Right To Information Act and from their contacts inside the government, the litigants figured out to their shock that, again, an entirely new planning permission has been issued by the BBMP for another commercial building on the same site, for a totally new applicant who in fact was then an employee of the parent company even after the developer signed an affidavit on the court that he will not be pursuing the project under initial litigation.

The complex violations of this particular case are beyond the scope of this paper to be described in adequate ethnographic detail. However it suffices here to mention that it simultaneously violated the land-use plan, planning act and the planning process as well as a court injunction. During an initial hearing even the Chief Information Commissioner was provided with wrong information by the government agencies to protect the project, planners and the developer from any legal action. This project is not just an example of an

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[44] To be obtained from the Revenue Department

[45] To be obtained from the Bangalore Development Authority

[46] Planning act stipulates minimum space standards for open spaces, roads, and amenities, all of which need to be transferred to public ownership after the construction of the development.

[47] V M Hegde 'The eternally expanding city -The Hindu, Jan 6 2012. www.hindu.com, last accessed 4/9/2012. The author presents a drawing to argue his point.

unscrupulous developer who had deceived the buyers, instead, a wide range of actors were involved in making this project a complex illegal reality in which hundreds of property owners have become stake holders. These actors include the main stream banks who provided mortgages to the buyers after taking due diligence, services provision agencies like BESCOM and BWSSB that provided electricity, water supply and sewage connections without the required certification, the BBMP Planner who issued planning permission interpreting a circular in violation of the KTCP Act and the majority of the resident owners who actually didn't (seem to) bother to challenge the legality of the project or of the developers' land subdivision decision. Everyone in this network with his or her tacit consensus have benefitted from the deal. This became a High Court case only because the leader of the main litigant group decided not to benefit from the many enticing offers from the developer during the course of the enquiry and litigation.

7.2.1 Revenue layouts:

Such tacit consensus is blatant on a very large scale in the case of large private layouts on agricultural land; these are locally termed as *revenue layouts.* Revenue layouts are developments built on agricultural land parcels within the Master Plan boundary without obtaining conversion of land use permission from the Revenue Department and/or layout approvals from the BDA. Large number of housing layouts in Bangalore - including many prestigious high-end residential layouts, middle class residential areas, public sector employee cooperative housing as well as working class housing are revenue layouts. A government task force that was set up based on a High Court directive in 2008 (Reddy, 2008), identified 127 illegal layouts within the Bangalore Master Plan boundary that ranged from a few acres to hundreds of acres. For example, the Bangalore Electronics Limited Employees House building Cooperative society (BEL HBCS number 27 in the BDA's list) is about 108 acres and the Karnataka State Judicial Employees House Building Society layout is 193 acres in area. The list, not surprisingly, included a wide range of actors including many public sector employees' cooperative housing, Karnataka Legislators (elected Member of Legislative Assembly) society, small and large developers, individuals and even an Ex-Mayor of the BBMP. One of my interviewees, a high-ranking bureaucrat who was closely involved in this process in the Urban Ministry notes:

" 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. People say that they don't know anything about it, since they have just [purchased] the property and are now living in it". (Interview, Very Senior Administrator, UDD, GoK, August 2010)

How are these layouts formed? An estate agent describes:

"These developers buy the farmland sometimes even for a higher [than prevailing market] rates and build whatever they want. They leave only ten feet [width] 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. They take care of the officials and the politicians". (Interview, Real Estate consultant, August 2010)

In almost all cases, people purchase housing plots in these layouts knowing fully well that the property does not have the required clearances. The actual process that enable these illegal properties ready for commercial transaction is very lengthy to describe here in its entirety, however, to simplify, the respective officials from municipal local authorities or Village Panchayat will issue layout and building permission, even though they lack the authority to do so. As one of the local politician described about a layout in his constituency,

" [name removed] extension is a revenue pocket. It was formed around 1988- 90. Village Panchayat gave permission to build on agricultural land. Village Panchayat secretary signed the documents,[48] [However], 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

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[48] Who doesn't have the competent authority to issue layout permission according to the KTCP act

not easy once people build". (Interview, Local politician, August 2010)

This 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 middle- men 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 pays the required property tax to claim legal status for the building in the case of any potential litigation or to 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 departments provide service connections because providing water and electricity connections are lucrative for the engineers personally. Moreover, politicians also play a significant role in bringing services to these properties around election time; a BBMP councilor, MLA or MP will play a significant role in tarring the road, and providing water and electricity. A large number of these properties were not paying property tax regularly because they did not have a proper *Katha* number. [49] A previous Commissioner of the BBMP reflected on the situation thus: "There are [were] 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 [else] do you expect?" (Interview, retired senior administrator of BBMP, August 2010) To address the revenue deficit caused in the stamp duty collection by these properties, in 2010 the BBMP introduced a separate tax form,[50] especially for the revenue layouts.

When I asked a planner about how come such a practice of tacit approval of illegal layout production exist, she responded by saying, "the BBMP has even provided *Katha* for properties that are an encroachment of government land", (Interview of a senior civil servant, GoK, August 2010). What she meant was that these practices are so rampant that there is nothing surprising in the case of revenue layouts and these practices are regular and part of the culture of planning and administrative practice in Bangalore.

The various actors in this network include farmland owners, local politicians, developers, administrative officials, planners, engineers and property buyers and banks who benefits from the mutual support: the landowner sells their land for a higher rate than normal rate;[51] the engineer and the councilor and planners who are part of the regulating, surveying and service-providing apparatus gets their share of the profit; the developer gains more land to sell and faces least red tape to go through; and the buyers will get cheaper properties. Collectively they reshape the ideal typical planning apparatus. An estate agent who had obtained a number of land-use conversion in this manner for his clients noted:

"Cost of getting the conversion [from the revenue department] could be … about 1% of the value of land. This is if you are politically connected, otherwise this rate could go up. For example, in the DC[52] Revenue's office you will have *to* see [to pay to] a number of people. This could include right from the DC Revenue, Thasildhar, Revenue Officer, and Revenue Inspector to the Caseworker. [53] 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 per acre to 25 lakhs per acre.[54] Most touts operate with the link to politicians. So there is some cut going there anyway". (Interview, Real Estate Agent, August 2010)

Professionals (estate agents, developers, politicians, government officials, planners, middle men) in this market, note that the rates are also linked to the rate of inflation. Sometimes even MLA s[55] will buy property in such developments; this usually improves the consumer confidence of the scheme. Estate

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[49] Property Identity Number

[50] Named as *B-Katha*

[51] Normal means -if the land is developed based on the planning standards stipulated by the Master Plan and the Planning Act

[52] District Commissioner of Revenue

[53] A developer friend narrated an incident of how a very high-ranking revenue officer walked away with 50 lakh INR (~$100,000) of hard cash bundled in a sack after it was handed over to him during their meeting in a restaurant.

[54] 1 Crore = £125,000, 1 Lakh = £1250 – based on 2010 rates

[55] Member of Legislative Assembly

Agents note that such schemes are very popular because buyers are normally very confident that there is no risk in violation as long as they can bear the cost of it. That is why, they argue, average middle class and working class families make the biggest investment of their life in illegal buildings. Legal action against violations is impossible in Bangalore because, "It's past that point. You can't take action against 5 million people. Everyone is part of it" (interview, real estate developer; August 2010). According to a politician, violations are pervasive in Bangalore because, "Bangalore has 198 wards now out of which 121 are inside the main city, where you need to spend at least 2-3 Crores [56] to win a local councilor election. How do you make this? ; only through black money and corruption". (Interview, Senior Politician, Bangalore, July 2010) In other words violation is integral to the local political economy of urban development. It provide business for the developers and banks, cheaper assets for the resident owners, space for employees and employers, and revenue for the officers and politicians and means of rapid urbanization.

Plan violations in Bangalore are integrally connected to what I call *planning for violations*: i.e., developing planning frameworks that are specifically designed to incorporate plan violations through exemptions and reforms to planning itself. Planning and violations constitute each other and acts as fundamentally shape the practice of land use management of Bangalore. Let me demonstrate this below using three specific cases.

8. Planning for violation

8.1. Section 14-A Change of land use:

Section 14-A is an exemption clause to section 14 of the KTCP Act that establishes the authority of the state government to control land use change. Introduced in 1991 to the KTCP Act, Section 14-A enables a legal framework to change the use classification of land parcels from those that is stipulated by the land use plan, as long as the change of use is logical and with the intent of greater public interest. For example, if a land parcel with a particular geological or topographical condition is classified under an unsuitable use zone, then this clause could be evoked to restore a landowner's (public or private) development rights. This clause was also intended to help to carve out open space or civic amenity space in an already prepared neighbourhood plan (named as Detailed Town planning Scheme). However, the way this clause was deployed *in practice* demonstrates that it is a popular form of land use planning in Bangalore that substitute the method of regulating land-use. A simple calculation based on the data that I collected from the BDA records prove that, roughly, *two* 'change of land use' applications have been approved in every *three working days* of the BDA between 2000 and 2010.[57] Applicants included institutional actors like BDA, other public sector enterprises, individuals and private developers and the land use change is dominated by change to residential and commercial purposes. Rather than to achieve any public interest outcomes, 14-A is deployed indiscriminately to support private interest outcomes. 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."(Kumar, 2005)

While this was a case of a retrospective planning application that was entertained after violating the land use plan, the logic of *transforming context*, as a reason was found recurrent, as the example below shows:

"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]...

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[56] 1 Crore = £ 120,000 (2010 rates)
[57] 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 few thousand square feet; majority of this was for residential and commercial use. 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 few thousands square feet.

is approved" (ibid).

Both in the letters of approval quoted above and in the notifications aimed to invite any objections from general public (usually notified in news papers with very low circulation to attract minimum public attention), do not present any rationale or an impact analysis. It does not even clarify if the neighboring land uses (transforming context) based on which the land use change is justified, is if at all, legal. So a residential land parcel next to a series of illegal commercial buildings can get a change of land use approval based on the fact that the context is transforming into a commercial area. The Change of Land Use process thus becomes a catalyst in itself for land-use change in many neighborhoods.

I asked a well-known developer who has a reputation for successfully reclaiming the wetlands of Bangalore that if the land-use planning system and the zoning regime presents any obstacle for their business? His answer was a clear NO; because, he said that they can usually get the use category of any land parcel changed with ease (interview: Real estate developer, July 2010). Activists told me that administrators, planners and engineers would sometimes even use the objections from general public to negotiate a higher deal from the applicant for approval.

While the practice of Section 14-A demonstrates how practice of planning is shaped by the multiple interest networks and transforms the land-use distribution and complicates the understanding of violations as merely a deviation from a plan document, instances from the 2005-2015 Master Plan making process challenges this further.

8.2. Master plan 2015 process

While Section 14-A enabled a statutory framework for exemptions from the adopted Master plan land-use regulations, the Master plan 2015 (RMP) process was marked by a flexible approach towards land-use zoning itself. I will discuss here three ways in which the RMP 2015 process could be understood as *planning for violations*. The first one, in its *mixed-land use policy* that legalized many illegal land use changes overnight, and the second and third from describing the vernacular processes through which many developers and land owners participated in the plan preparation process to ensure desirable outcomes, thus saving them the trouble of lengthy section 14-A route. Let me discuss these three briefly below:

Mixed use:

First, invoking the globally fashionable planning discourses from *Transit Oriented Development, Compact City* and *Sustainable City,* the Master Plan 2005- 2015 proposed *mixed land-use* rather than separate zones of use classes in order to, "balance the socio economic needs, … and environmental impact, ...based on the character of the identified regions", and *neighborhood preference*. (BDA 2007, Vision Document, p.30). Many of my interviewees who worked closely with the master planning process noted that the *mixed-use policy* was nothing but "mapping of ground reality as is, because the ground displayed mixed use" (interview, Planning Consultant, February 2010). When the master planning team documented the existing land use, they found that the ground reality had little compliance with the 1991 land use plan. So the planners resorted to impromptu methods- for example, 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* based on the idea of neighborhood preference. The Master Planning process only consulted the public after a draft has been prepared, so the idea of *neighborhood preference of land use* was the result of a window survey and this legalized thousands of violations and illegalities overnight as well as encouraged many ongoing projects to convert their use category (like the one discussed above)*.*

Planning consultancy

Second, even though the Master Plan draft was prepared by a French private consultant[58] consortium (which

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[58] This one year process was led by 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

had almost no understanding of Bangalore) and based inside their office in Bangalore, they could not contain the decision-making process from 'external influences'. The irony was that 'keeping external influences at bay' was one of the main factors that encouraged an elite clique around Karnataka Chief Minister during 2000- 2004[59] to appoint the far removed French consultants for the Master planning task, circumventing the usual tendering process, along with their hope of importing foreign state-of-the-art master planning skills with GIS to turn Bangalore into a *world class city*.[60] Given that the coloring of a land parcel as green or red or yellow zones (protected wetlands, public use, residential use respectively) in the land-use plan can significantly influence the land value, it was of interest to many landowners that their land didn't fall under development restriction zones. Many of my interviewees who worked in that master plan preparation admitted that innumerous government departments and estate agents constantly approached them for information about specific land parcels. For example, a planner who worked with the consultants, was shocked when he turned up to work one morning to fine a BDA official sitting on his (planners) computer station (without invitation) inspecting the land use zoning map that was being prepared. My interviewee was more shocked to find out who [in his own office] facilitated such an access to the BDA official. (Interview, planning consultant, July 2010)

A real estate agent, during one of my interviews admitted that his client had managed to convert a few acres of public land adjacent to their own mega project (later this land parcel was encroached upon for their project) from the green belt (wetland in particular) with the help of a middleman for a cost of 5,000,000 Indian Rupees [61] at the port of Master Plan making. Currently this development is one of the very well known landmark business districts in Bangalore.

A large number of people were concerned about the zonal use category of their land in the new Master Plan, and were eager to exercise their will on the land-use plan. Comprehensive Development Plan 2005--2015 draft was the most sought after Master Plan document ever made in Bangalore. Within a few weeks, official copies were sold out; duplicate copies were then available from the streets and many photocopier shops for 5000 INR (Multiple interviews 2010).   Extensive interviews on the Master planning process revealed that use class decisions on land parcels were happening inside the office of the consultant across many levels of the office hierarchy without the project leaders absolute control over the process.[62] For example, many planners identified that the use category of some land parcels appeared entirely different during the day of the public consultation compared to that which they themselves had finalized on the previous night inside their office. Many of those land parcels, even if reverted back for the following day's public consultation nevertheless changed again without their knowledge (multiple interviews-2008-2010). Since the plan document defines the planning law, this type of access to the land use plan making process became the safest and cheapest method compared to 'change of land use' or other variants. The above mentioned estate agent remarked with a kind of schizophrenic disbelief that, "the future of this city is in the hands of some computer operator of some private company. What is more ridiculous than that? How are we going to plan this city?" (Interview, Property Consultant, August 2010).

Planning Authority

Third, the final Revised Master Plan was officially adopted and released two years after the consultants submitted the draft document to the government. In those two years the draft plan actively lived and changed inside the BDA offices; with the help of a external GIS consultant, the BDA officials changed many aspects of the plan to accommodate the various on demand land use changes on innumerable land parcels (multiple interviews 2010). Among the various calculable and incalculable impact of this form of access to master planning one's own land uses, for instance, was significant in the case of the lakes and wetlands

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development and is part of larger consulting named Group SCE. (*see www.creocean.fr/.../fich480102b6df1c1-Company_Profile_BD.pdf last accessed 22-10-2012*)

[59] Bangalore Agenda Task Force
[60] The consortia was led by a GIS consultant rather than a planning consulting
[61] Approximately £ 75,000; A planner who had closely witnessed this process narrated details of this specific incident to me later.
[62] Unfortunately more cannot be discussed in this paper due to privacy concerns

networks in Bangalore that I discuss below.

Situated at about 3000 feet elevation, the ecological geography of Bangalore is defined by three natural valleys with which the hundreds of manmade lakes in the city (water harvesting tanks interlinked with each other through canals known as *Raj Kalve*) are networked. 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 decision makers and planners knew the existence of these natural valleys and canal networked lake system, it was not until this (2005-2015) master planning process that it was mapped extensively and the extent of damage to the network was identified. The *valley zones,* as the topography of this network was called by the Draft Plan, was classified as a 'zone' with restricted development rights. Recognizing the significance of this for the future of Bangalore, the Chief Planner of BDA decided to accept this proposal, and proposed to withhold all planning applications on ecologically fragile valley zones until a fair mechanism and modalities to compensate for development rights were identified. However a consortium comprised of developers and individual appellants challenged this decision by filing Public Interest Litigation in the High Court of Karnataka. The judge who presided the case, however, agreed with the Chief Planner that it is important to preserve this significant ecological foundation of Bangalore; therefore in the first instance of this process, the Chief Planner won the litigation for BDA after a haranguing litigation in which the Chief Planner himself (rather than his attorney) argued for preservation in the court. However, the developers and allied individuals consortium appealed to Supreme Court of India in Delhi and won the case eventually, by *ensuring* that the Chief Planner was transferred from his post well in advance, and that the government *did not represent* at the Supreme Court. Ironically, a well-known lawyer who is an ex-attorney general of India argued the developers' petition at the High Court of Karnataka. Whenever the desired land use change could not be achieved through the many previously discussed means of access to the plan, it is a common strategy to achieve it through changing the administrative structure of the government's operational protocols, like transfers, new appointments, amendment or promulgation of legislation and setting up new institutions. Below I discuss one such legislative method.

8.3 Regularization Act

While section 14-A and the Master Plan process as discussed above reshaped the land-use control process in Bangalore enabled by the KTCP Act, a new amendment to the KTCP act inserted in 2007 legalized most forms of land-use (as well as other forms of) plan violations. Known as the *Akrama-Sakrama* Bill, and rationalized as a one-time relief for the general public who had been "cheated by the unscrupulous developers" (Kothari, 2013) [63], *The Karnataka Town and Country Planning and Certain Other Laws Amendment Bill* was first proposed in 2004. Inserted in the KTCP Act in 2007, [64] and adopted in 2015 with retrospective effect, the act regularized most forms of unauthorized and illegal violations; 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)

Even though the scheme was challenged by the Karnataka State's Governor, dissenting public, planners and officials and civic associations among others, the regularization scheme became very popular among the urban population as well political parties in Karnataka. Therefore rather than challenge the scheme, successive governments and ministers campaigned for the scheme and was approved by both houses of the

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[63] See cabinet note on regularization bill- no-UDD 366 GEL 2005, appended in the Public Interest Litigation - Kothari (2007)

[64] To make it legally viable, many other Acts were co-amended, the KTCP Act 1961, Karnataka Municipal Corporations Act 1976, and the Karnataka Municipalities Act 1964 and Karnataka Land Revenue Act 1961

legislature.

Justifying the need for regularization, a very senior political administrator in Bangalore noted: "Everyone in Bangalore goes for deviance. If the deviance is lower, then some kind of penalty can be put. But in Bangalore it is more than 50% deviance. Can we demolish all these?" (Interview, Senior Politician in Bangalore, August 2010). This sense of helplessness that *there is no alternative* is the usual response that I got from most politicians, administrators and people in Bangalore. Due to the scale of violations, those who challenged the scheme and demanded punitive action against the violators and violation networks were also well aware of the impracticality of their wish. Another senior politician during my interview argued that 50% and 25% regularization are not enough; instead violations should be regularized 100% (Interview, Senior Politician, August 2010). He argued 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 and therefore the planning law needs to be changed rather than curtail these enterprising activities. He argued "[it may be plan violation, but] if you don't want them to do that, then give them a [stable] government job, where they will have a stable income" (ibid).

The Regularization Act completes the mutually constitutive relationship between plan violation and 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. 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 the irony of it, "Master planning in Bangalore 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 –September 2010). The planning process in Bangalore is implicated in a number of court cases, suffers from frequent transfer of many officials and a lot of people routinely accumulate immense wealth.

From the analysis of the relationship between planning and violations, in the sections above I discussed how the planning regime is occupied by what I called private interest networks that produces private interest outcomes- i.e., land use change that facilitates the production of built environment for housing, employment and other activities that facilitate private wealth accumulation and other such private capabilities. In the following section I will discuss how the analysis of the relationship between planning and violations will also reveal the various processes through which public interest networks have emerged in Bangalore that challenges the private interest networks for public interest outcomes – protecting the wetlands, increased public consultation and so on.

9. Public interest networks and the reshaping of planning regime

In this section I will discuss how violations have become a site for public interest oriented voluntary planning activist mobilizations that challenge the private interest network based planning practices. In here, it can be seen that starting from '*implementing the rule of law*' activism, the activists moved on quickly to challenge the frameworks of law itself, and further on to producing public interest outcomes through forging alliances and networks of association across socio-governmental sphere, a process that resembles close similarity with the operational strategies of the private interest networks. This clearly demonstrate that, in vernacular governance, to achieve public interest outcomes, invoking the elements and processes of abstract ideal typical state- like law, or public hierarchy and law courts etc, are found not enough by itself, but it also requires proactive engagement with process and protocols of vernacular governance- mutual surveillance, forging associational networks, and working within specific local socio-political relations, cultivating political patronage and so on, that has begun to reshape the planning regime Bangalore.

9.1 Implementation of rule of law:

Like the devastating 2015 Chennai floods, and the 2005 Mumbai floods, many parts of Bangalore, particularly southeast Bangalore, experienced severe floods in 2006.[65] Over the past 6 decades, many private and public agencies had reclaimed and built over hundreds of networked water tanks and wetlands in Bangalore. The consequence is that many parts of the city floods severely with only a few hours of rain; Its overflowing drains have developed a reputation for sucking people to their death during floods.[66] Innumerable such problems with the public commons brought a few residents together for the first time 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, violations of land- use and building regulations, un-built roads, drains, pavements, 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's planning practice continually reclaimed open spaces, wetlands and lakes and issued planning permissions violating many laws. They found that their neighborhood had grown too big and too fast while all of them were too busy putting together their lives. So given that the innumerable conversion of residential sites in their neighborhood into commercial and office buildings have been affecting their everyday life adversely, the group started their first foray into voluntary planning activism by challenging what they called *commercialization of the neighborhood*;[67] in other words, violation of land use plan. I met quite a number of people in my case study area and wider Bangalore who described to me how they were personally affected by the land-use violations on their residential street: a call center, a commercial complex, a marriage hall, shops and restaurants, offices, kindergartens, and so on that made them feel unsafe, estranged, conflicting with their neighbors and harassed by the increased noise. Even though from all these perspectives, many individuals and groups complained about the land-use violations innumerable times to the relevant authorities, they did not get any response. For example, the convener of a *Neighborhood Civic Movement* complained to the BBMP and BDA commissioners about a multi-storied office complex in their neighborhood that, "in spite of our request nothing seems of have been done and the multi-storied office complex has already been completed and seems to have been even rented out to the software firm" (cited in (Menon, 2005)]

Rather than getting a relief, every letter of complaint that they wrote about plan violations in their neighborhood to the authorities was used as an opportunity by the local engineers to make more money by negotiating with the violators (multiple interviews 2008-2010). Therefore some members from the activist group decided to file a Public Interest Litigation (PIL) at the High Court of Karnataka against the illegal violation of residential land use. This PIL was a major deviation from the order of neighborhood relations that existed; i.e., from a mutually beneficial compliance or an apathetic silence in which the neighbors thrived on each other's violations for legitimation and safety, to a *mutual surveillance* thus raising call for the enforcement of the *rule of law* against the violators. The activist residents petitioned the High Court to intervene in the matter because, thy argued that 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 the neighborhood that were violating the zonal land use plan; it also listed sidewalk encroachments and buildings that had no planning permission. According to the petitioners, the violations caused various forms of hardships: overcrowded parking, very high noise impact from the diesel-run electricity generators and the air conditioning units, over-burdened water[68] and electricity network, and limited parking space and traffic congestion. The petition requested the court to direct the authorities to conduct a survey of the

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[65] 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

[66] 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.

[67] Conversion of residential land use zone and buildings for commercial and other purposes

[68] This neighbourhood received water supply for certain hours during alternate days.

neighborhood 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.

9.2 Non-implementability of the rule of law and the vernacular governance of 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 petition were violations (ibid). The High court insisted that the BBMP take enforcement action. In the words of an activist, this PIL "opened up a can of worms" (multiple interviews, neighbourhood activist, February 2009 – September 2010). 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 [with a] hammer 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 had already surveyed my place". (ibid)

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. 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 – April 2009).

In the case of another petitioner:

"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, Neighborhood Activist – April 2009)

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, [but] please give your sanction plan' [plan that was sanctioned by the authorities]. Next morning, I went and gave them the plan. We bought the house from someone who had already built a house with a sanctioned plan. This was a revenue site and they got [the] conversion. When this house was made, this was part of [name removed] village. The BBMP said that the sanctioned plan itself was a fake… 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 three notices - the last one was the demolition order. 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).

Even the survey of the neighborhood by the BBMP created unrest in the neighborhood. As soon as the BBMP started sending notices, the people in the neighborhood blamed the petitioners for creating such problems. The petitioners received threatening phone calls and were even summoned by large developers. After the survey the BBMP Commissioner strategically demolished three or four buildings including a small shed and this divided the local community further resulting into demonstrations on the street against the enforcement action and against the petitioners (Interview- Senior NGO Activist- April 2009). Further, one

day during this process, the BBMP bulldozers rolled into the neighborhood and demolished parts of the petitioners' houses. This was deliberately 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 [tomorrow]'". (Interview, local activist, March 2009)

These events not only made the petitioners' life difficult in the neighborhood, but also caused divisions among them and in the neighbourhood. The strategy of *divide and rule*, i.e., turning the neighborhood residents against each other, threatening the activists with personal harm of demolition and public shaming using local media worked very well in favor of the Commissioner. Finally, the petitioners decided to withdraw from the PIL.[69] Thus, the neighborhood collectives' first serious attempt to be a neighborhood 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 [euphemistically peaking] people on the other side. BBMP came in front of house with the bulldozer. We were under threat. There was the building lobby threatening us, there were people under threat about their life. 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, Local Planning Activist, April 2010)

From this experience the activists learned that the culture of governance is organized to effectively avoid the implementation of *the rule of law*. Even though this process did not yield any direct and immediate result in their favor, what worked in the due course was the slow proliferation of the practice of the *mutual surveillance network* in neighborhoods. The neighborhood as a geography of mutual surveillance was forming through such active engagements of residents - where the governmental surveillance is outsourced to more micro operatives, mainly among neighbors and citizens who go about their ordinary lives. The effect of this was two fold- at one level it changed the cosy (mutual support to violate) relationship between the neighbors into a cautious (surveillance) one. The activists were seen as the enemies by the violating others in the neighbourhood. This was reflected in the words of a local engineer to whom I asked if violations still continue in the neighborhood, 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."[70] (Interview, Ward Engineer, BBMP, August 2010). However at another level, contrary to what the engineer hoped, this did not stop violations entirely, even though it changed the 'anything goes' approach in the neighbourhood with a cautious one created through this mutual surveillance ethos. What the activists learned out of this experience is that they were collecting enemies in the neighbourhood without any beneficial outcomes, and that demanding just the implementation of the law, could even jeopardize their cause, because many parts of the planning law are designed to maximize private interest outcomes.

9.3. Law is an Ass: From mutual surveillance to critical engagement with *rule of law*   and political networking

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[69] See "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

[70] Many forms of violations and its contests keep rising in Bangalore.

From these experience the activist group changed their strategy from mutual surveillance to reverse surveillance of governance– i.e., gazing their neighbors to gazing the government itself- using the Right To Information act and building informal connections with like minded government officials and politicians. Rather than simply demand enforcement of planning law, they started critically engaging with the law itself after coming to a conclusion that, as one of my interviewee puts it, *the law* [planning law], *is an ass*. 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 innumerable enemies in their neighborhood making their own safety and reputation at stake. Moreover, the mixed-use zoning and the regularization act that followed legalized innumerable violations too.[71] In the meantime, the members also started to appreciate the complexity of the situation. 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 neighbor. But the land-use violation- the guy who is building a commercial land use inside a residential plot is affecting a whole neighborhood. 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, Neighbourhood Planning Activist, April 2010)

Proceeding from there it was inevitable that they confront the epistemology of public interest, planning and rationality: Mr Revi argues,

"What we try to do is to bring some sort of rationale in development. We are not experts in development…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. Commercialization [happens] because some one's commercial needs have to be met. Land value goes up. So people move out, making the neighborhood more inhospitable. So [we] take up issue that is of common interest. When we go to the authorities, we are not approaching them in opposition. We are saying them the problem is as follows..." (Interview and group discussion with Planning Activists, February 2010:)

So when the new master plan draft was released in 2005, the activists took a very proactive approach to understand the impact of the proposals on their neighborhood and were unsatisfied at the response that they received from the authorities and the consultants. The activists felt that the French consultant group 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;* [72] Bangalore is Bangalore- two different sets of people and situations. They didn't even know basic things. Their facts were totally wrong. [Later], somebody very responsible from the SCE [73] - 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)

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[71] Some of the activists believe that the government wanted to save themselves from such court cases in the future, hence their activism have perhaps influenced regularization policy!

[72] Yaarr = Friend

[73] French planning consulting group

When they did not get satisfactory answers, they designed a questionnaire, went around to different residential blocks, explained the Master Plan and asked the residents to fill in their views. They collected more than 372 feedback forms from their neighborhood. They also employed consultants to prepare the potential impact of the draft Master Plan proposals on the traffic and environmental assets in their neighborhood. 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. The group argued that even though the studies cited in the Master Plan draft recognize that their neighborhood is one of the most congested and crowded parts of Bangalore, the Plan proposed more diverse and denser land uses. Therefore, the activists questioned the rationale of the environmental plans, land-use zoning strategy and the traffic plans. For example, they pointed out that one of the massive mass transit hubs proposed along one of the high streets that form the basis for the many land-use changes proposed is not implementable because the land belongs to national defense establishment and cannot be alienated. Further, they argued 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.

Mr Arumugan argued,

"60% of the water [coming into the neighborhood] goes to commercial. There is no [proposal to] increase input into the system. So we get water only once in two days. Many houses have serious water problem, especially further down. The BBMP [official] says 'this Master Plan is not implementable; [the MP says, build a] 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 he Master Plan]." (ibid)

Even though traces of NIMBY-ism as well as anti-gentrification 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 so-called public interest guarding and enabling 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 included the Principal Secretary, the Chief Minister, the Chief Secretary and the Development Authority officials. For example, they argued that 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 two year period before the state government adopted and 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 activists thought were worse for their neighborhood as well as for the city in general. Through this process of interacting and negotiating with the government they saw closely how the planning system works in practice and developed a deeper insight into how the governance actually works through a wide range of personalized transactions and developed a deeper sense of disbelief about the government in general. Their disbelief in the government was well illustrated in the excerpts from the group discussion below:

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".

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. They took out large chunks of green belt. People went and paid money to remove their land out of greenbelt". (ibid)

The ethnography of this planning activism is too long to discuss here in sufficient details. In short, the point I want to make here is that this deep mistrust that was developed as a result of their engagement with the government encouraged them to negotiate simultaneously using legal, administrative, as well as engage in

political networking to reshape the planning regime. I have discussed elsewhere (Sundaresan 2011) how these groups' efforts that restored a neighborhood lake, public open space and other forms of public commons testify this. For example,

a) The activist group proactively networked with government officials, politicians and citizens who wanted to save these public commons from the privatizing networks and mobilized sustained neighborhood campaigns; they successfully even supported the government with high quality private legal aid at the Supreme Court for the ownership litigation of the lake (because the collective - that includes government officials - did not have confidence that the government legal advisor will fully support this cause),

b) Used their political networks to pressure the BDA commissioner to change the proposed land use of the lake from residential to designated open space in the Master Plan,

c) Some people from the network campaigned for the local politician in local election to gain his support for their activities,

d) Appointed an expert committee to design a restoration program for the local lake and made the BBMP accept their proposals using political pressure,

e) Financed their own activities by raising resources from the neighborhood,

f) Continue to monitor the implementation of restoration project its maintenance.

They even got the High Court to annul the mixed land use zoning of the 2005-2015 Master Plan after a prolonged litigation. These activists were among the forerunners of planning activism in Bangalore; their success in various tedious and sustained campaign to reform the planning practice through legal challenges, beneficial networking, and political collaboration and so on has been one of the central influences behind the hundreds of voluntary planning activist collectives that has sprung up currently in Bangalore whose activities range from striving to revive public commons to hands on street cleaning.

It is important to note again that the network is formed of people working inside and outside the government including corporate, consulting, NGO, academic, and community organizations as well as ordinary residents who has taken up the cause of engaging with the urban transformation for matters of public interest. Like the private networks discussed above, each member contribute to the networks collective capacity through contributing their individual capacities – money, connections and contacts, information (e.g., right to information document) and insights (e.g., who is a helpful officer), expertise, time, persistence, vision, mobilization, and so on - which enable the making of a larger functional networked collective. As discussed elsewhere, (Sundaresan 2011 these networks are usually formed around specific issues, they reform and regroup, and their internal email groups are comprised of debates and discussions about causes, pathways, strategies, actors, debates and disagreements and so on. Many versions of public interest and accordingly many different networks of activists are also visible in this space of reforming the planning regime in Bangalore. Challenging the private interest networks that have occupied the domain of planning practice, a public with flesh and blood and specific interests have emerged in Bangalore, many of whom perhaps are only partially aware of the fact that some of them are indeed the beneficiaries of the private interest network based planning practice in Bangalore - for example residents of housing projects that are built on top of wetlands or of revenue layouts, or employees of companies that has benefitted from plan violations or planning for violations.

10. Conclusion

Examining planning and land use violations in Bangalore, I demonstrated how private and public interest networks inhabit the planning practice and continually reshape the ideal typical comprehensive planning apparatus to produce private and public interest outcomes. I demonstrated that the planning regime in Bangalore is constituted by a dynamic interaction between plan violation, planning for violations and outcome oriented practice of voluntary planning activist networks. Rather than advance functional

explanation to violations, as much of the scholarship tend to do, I proposed that violations are a site to examine how planning regime gets continually reshaped in Bangalore by these associational networks and practices. These networks construct an *intersectional practice of planning* and governing that support the interest of the actors involved in the network. Contrary to the understanding that only local level officials more closely linked to the every day society are involved in subverting the elite state apparatus (Benjamin 2000, 2007b, Ghertner 2015), it can be seen that officials across administrative hierarchy and people across social and political groups are proactive participants in these networks. Many of my interviewees had informed me how even the Chief Ministers office involves very closely and pressurizes to oblige by approving illegal projects, assign land uses, de-notify specific land parcels from zoning or acquisitions, grant housing plots, approve change of land use files as well as how the local municipal sweepers sometimes are the first point of contact for the local councilors and ward engineers to know details of specific projects in neighbourhoods. Many of my interviewees in highest positions of power have admitted how much powerless they actually feel to check the operations of the private interest networks even if they want to because it can[74] many times cost them their career, and sometimes even the safety of their life. Through various associational relations, the everyday citizen is integrally an active part of these networks as a politician, contractor, developer, administrator, resident, landowner, middleman, planner, engineer, sweeper, banker, minister, and councilor among others. They work together to enable markets, benefits and support for each other using the varied resources at their disposal, like the access to structures and processes of the state, or privilege of social status and connections, or detailed information, or money and so on.

I claimed that the foundation required to erect a comprehensive planning enterprise, i.e. an ideal typical functioning state apparatus based on the ideal typical functioning administrative bureaucratic hierarchy, i.e., a public interest protocol based transactions between and across the difference levels of state apparatus only exists to a limited extent in Bangalore. The crisis of the comprehensive planning ideal in Bangalore, I argue needs to be understood as a crisis in the foundational assumptions behind that planning ideal, i.e., Wildavsky's crisis of *expectation,* that an ideal typical bureaucratic hierarchical state apparatus can be rolled into all political cultures of governance for operation without any transformation. I deployed a conceptual framework of Vernacular Governance to examine governance transactions that transcend the boundaries of dualist categories (legality and illegality, state and society) to recognize networks of association that run across scale and groups beyond the hierarchical relationship in public administration. It enabled the examination of actors, processes and protocols that continually transform the practice of planning for specific outcomes. Individual identities seems embedded in relational vernacular associationalism rather than assume the transactional identity of a public interested oriented liberal individual as a governing official or as the mutually surveilling public ethos oriented self of the governed who helps to build the state. Discretionary decisions from multiple loci of power centres not only prevent the formation of *a* planning authority to enable a purist schema for the Comprehensive planning ideology, but also shape the planning programs in their own image and interest. The actual practice of planning is being continually reshaped by these networks by dynamically challenging the bureaucratic, macro structure and processes of representative democratic state through which the comprehensive planning system was supposed to be rolled out. Policy or plans made at the top of technical/political/administrative hierarchy are only one of the many specific practices that shape planning practice in Bangalore, and it should be understood by embedding it within the popular democracy in India. Reducing planning violations to weak state, corruption, implementation failure or informality will fail to understand violations as intricately connected to the amendments to the planning law, routine regularization, neighborhood mobilization, powerlessness of even well meaning officials, and popular demand for unrestricted development rights and so on.

Examining the relationship between planning program and political culture of a place could help illuminate many complex planning and governance outcome in India and beyond, across scale – from the perpetually broken side walks in urban India that remains unusable use for the past 5 decades to the many unsuccessful mega projects, government policies and missions all over the world, especially in the Global South. An ethnographic understanding of planning practice, i.e., the interactive ensemble of policies, laws and acts, process and protocols, institutions, social political and governmental actors, planning history and so on, can

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[74] And it has in many occasions, the details of which I am reserving from this article due to privacy concerns.

reveal its connection with outcomes. From this I propose that planning analysis anywhere in the world, and in particular post-colonial societies should move beyond making understanding of governance outcomes based on a dualist conceptualization of the state and society towards analysis of interactive practice made of networks, ideologies, processes and associations producing public and private interest outcomes.

Initial elements of the modern urban planning originated in Germany, France, the UK, and the US from the late 1800s to the early 1900s as a result of municipal movements and collective, grounded and sustained negotiations, campaigns and experimentation by social reformers, activists, industrial elites, property owners and politicians who endeavored to tame the ills of the industrial city, which later got institutionalized in government as an expert profession through sustained campaign and the discourse of the planning guild (Sutcliffe 1980, 1981; Hall 2002, Sanyal 2005). In contrast, the modern urban planning regimes arrived in India first through colonial rule and, after independence (1947), through the International development agencies and planning consultants who were invited to India by the political elites. In other words, the planning discourse got established among the enthusiasts without much popular movements, involvement or legitimacy. This has led to a situation in which Indian cities and regions are planned by out-of-date, top-down, and abstract planning acts, instruments and programs many times proposed by far-removed foreign consultants who have little connection with the local socio-political relations and spatial realities or by local comprehensive planning enthusiasts like domestic consultants and government planners. Moreover, post-independence India imitated the planning institutional and process design of the colonial government. For example, the urban local governments (ULB) are subjects of rule of the regional state governments; they receive city master plans that are to be enforced from the top. Neither the ULBs nor the people in the city have any voice in the making of the Master Plan. Therefore, using the opportunities provided by social and political democracy, individuals, institutional actors as well as social groups transform and make the planning regime friendly and dynamic through plan violation, planning for violations and public interest activism.

Scholars who study the lack of popular legitimacy in the formation of the State in India, have noted two types of local processes that challenge the post independent (1947) Indian state established by the elites. In the first, political power is captured and the abstract top down state is vernacularized through sustained campaigns and macro level political movements over the past six decades (Kaviraj 1999, Corbridge and Harris 2003). In the second more passive but more powerful process, the state only retains its general form but none of its content, because it is captured by vernacular claims, making the state's everyday institutions and processes extremely porous through very micro and meso-level negotiations (Corbridge 2005, Harris-white 2003; Fuller and Benei 2001; Gupta 1995; Sharma and Gupta 2005, Benjamin 2008). Continuous reshaping of planning in vernacular governance as discussed in this paper occurs through the second process. While plan violations are enabled through reshaping ideal typical planning through micro level negotiations, planning for violations changes the legal framework through meso-level bargains, and voluntary urban planning activism adopts legal, administrative, political and social instruments to simultaneously operate across scales.

Unlike the last quarter of the twentieth century when urban plans and everyday urban life in India grew increasingly distant, (MoUD 2011, Verma, 2002), the twenty-first century Indian city is increasingly characterized by emerging citizen–activist collectives that are transforming governance practices, planning regimes, and urban outcomes through multiple mechanisms. These movements are, I would propose the beginnings of a radical restructuring of the colonial planning system that was established to govern and discipline colonial subjects, but endured well into India's 70th year of Independence and striving forcefully to fit the political culture of hundreds of millions of urban Indians into a comprehensive planning ideal. Any attempts at reforming the planning system into one that can connect with the local political culture, I would argue needs to start from the motivation to decolonize and democratize the existing planning program. In that context, the governance assemblage of outcome-based practices that I had discussed throughout this paper offers a lot to learn from in building a theory and practice of relational planning and governance, in India and beyond. While these assemblage practices of vernacular governance can be understood as avenues through which individuals, institutions and social groups participate during decision making, implementation and enforcement through non-cooperative disobedience to the dictates of far removed state and bureaucracy, it also produces many collective negative externalities; for example, extensive

damage to urban ecological balance, perpetually broken side walks and public housing, extensive urban inequality among many others. Therefore a planning program that can address the new questions of the 21st century urbanisation (in India and other post colonial Global South) should be flexible, dynamic and accommodating the inclusive potential of the many vernacular practices yet able to address the negative externalities. This paper is not a place to develop the conceptual strands of such a program, however I am convinced that it will have to be very different from the canonical models of the 19th and 20th century planning established by and in the Global North.

From this research experience, I would postulate that the state in a democratic framework needs to be understood as a mutually agreed or dynamically negotiated political order, and governing is enabled through diverse forms and degrees of consensual and negotiating interactions. The fact that planning power continually shifts along the networks rather than concentrate on the hierarchy of the public administration in the transactions I discussed here is an evidence to testify this claim. Given that regulatory planning is a regime of control, of land use change or building form, it fundamentally depends on the notion of *consent from those who are governed*. At a social level, in regulatory planning, this consent is established for instance, through a shared notion of public interest ideology and mutual surveillance among the every day citizenry, and at a public official level through adhering to public interest and jobs protocols, and at individual level it amounts to a belief in the ideology of public interest best delivered by the state. The higher the degree of dissent, the least it is possible to govern in actual terms, for, a transactional mode of governing is more likely to exist only when there is higher degree of consensus, which in a way is a proxy for the relational and interpersonal. Therefore, instead of working with a framework of 'state governing a society', the future of urban studies, is more likely to realistically conceptualize and analyze how 'particular social relations, ideologies and social contracts govern and shape particular states', rather than continue with states of exception and frames of deviation which itself is based on the center-periphery epistemological culture of social science in general and urban studies in particular. Understanding the potential of the various intricate socio-governance transaction of rule in post colonial societies, is central to be bale to move beyond the imagination of transgressive and ungovernable cities, and to identify new forms of being as well as governing the urban being through exploring positive social contracts embedded in the existing intricate relational governance practices.

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