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

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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 how 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[1] from the neighbouring properties to enable fire rescue operations, but also had an entire extra storey beyond the permitted plan (Bidari, 2010). Moreover after completion, the developers did not obtain an *occupancy certificate*,[2] which declares the building fit for occupation. After pointing out these, the commissioner further stated that in his

[1] Legally required minimum setbacks from the site boundary that enables fire fighting.
[2] The planning permission process in Bangalore not only requires planning approval for the construction of a building/project, but also requires various forms of certification from authorities during and after the construction such as a *Commencement, Completion and Occupancy Certificates*. An Occupancy Certificate declares the building fit for occupation. Section 190 of the Karnataka Municipalities Act 1964 and Section 310 of the Karnataka Municipal Corporations Act 1976 mandate that every person shall obtain a completion and occupancy certificate *within one month of the completion or erection of a building* (GoK, 1977, 1963).

investigation it was revealed that a large number of buildings in Bangalore deviated from the approved plans[3] 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[4] (Bidari, 2010).[5] 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.[6] 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.[7]

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.[8] 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 do such large-scale violations 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, 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[9] 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

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[3] 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.

[4] [within a month]".

[5] Page numbers not available.

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

[7] 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).

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

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