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Organization in Special Consultative Status with the
Economic and Social Council since 2011

CALL FOR ACTION
12 NOVEMBER 2014 : BANGALORE

**TELL BANGALORE DEVELOPMENT AUTHORITY IT IS
UNCONSTITUTIONAL FOR THEM TO PLAN OUR CITY**



This small advertisement of extraordinary significance appeared in the papers a couple of weeks ago. It does not say much. Notice that no document or map is made available as a basis for debate and feedback. And if you review the BDA website, all you find about the 2031 Master plan is the minutes of a meeting soliciting Consultants to prepare the 2031 Master Plan held two years ago when Mr. Pradeep Singh Kharola was Commissioner. A particular item in the minutes is interesting:

<p>2 Page No. 41, Activity 5, Task 2</p>	<p>Exposure visit for senior officials of BDA "The consultants shall also plan to organize at least one exposure visit for senior officials of BDA to any city that demonstrates best practices in planning practices, implementation and enforcement"</p>	<p>2a. Please clarify whether the Expenses for such visit to be borne by the client or the consultants, and;- 2b. Please confirm whether the city to be visited will be within India.</p>	<p><i>Expenses to be borne by the Consultant. Approx. 10 officials will go for such exposure visits.</i> One city within India and one city in a non- Asian country.</p>
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It is not clear from the minutes why approximately 10 officials of BDA *have to be taken on a foreign jaunt at the expense of the Consultant to study "best practices in planning" abroad. It is also not clarified why a Non-Asian city has to be chosen.*



What must shock us is that for a city that is now reached the 1 crore (1,00,00,000) population already, and not as anticipated two decades ago in 2025; a city which has difficulty providing drinking water to half its residents; a city where 50 lakhs vehicles (a vehicle for every two persons) ply daily making it impossible for pedestrians, street vendors and cyclists to survive; a city where garbage mismanagement has required the consistent intervention of the Karnataka High Court to set things right; a city where lakes continue to be encroached, even by the BDA, and requires Public Interest Litigations to seek High Court directions to protect them; a city where children now prefer to not play at all, unless their parents have the resources to access safe playgrounds in gated communities and elite clubs; a city where Public Interest Litigations have to be constantly filed to ensure even basis civic services, such as pedestrian safe zones, are provided; a city where more than half the green cover has been lost in the past decade alone, and BBMP and BDA show expenditure on tree planting, but not the trees; in such a city now, BDA plans to organise ONE Public Hearing, and that too, in a centralised location. Clearly, this "Public Hearing" has all the smackings of being a ritual.

The question is, if BDA has the power to engage in this exercise at all. Clearly, it does not, not after the Metropolitan Planning Committee has been constituted, whose Constitutional Mandate it is to prepare, confirm and regulate plans of Bangalore, every five years. Please review the links relating to MPC at: <http://www.uddkar.gov.in/notibda>

The Past is Present for BDA:

About a decade ago when the BDA was proposing the 2015 Master Plan, several of us asked similar questions. And got no answers. So we organised protests demanding: MAPS AND OFFICIALS MUST TRAVEL TO PEOPLE FOR CONSULTATION. Not one Minister or Senior Bureaucrat responded to our call. We welcome you to review the Statement we issued on 9th September 2008, which is enclosed, and ask you, what has changed?

A decade later, the city is in a super-crisis. Real estate developers have recklessly thrown planning norms to the winds. The Joint Legislature Committee on Public Lands Encroachment headed by A. T. Ramaswamy has confirmed over 50,000 acres of public lands have been encroached in Bangalore; not by the poor, but by the rich and influential. We learn that corporate organisations demand infrastructure and resources to set up shop, but threaten to leave when asked to pay the costs; a situation that has forced many cities competing for investment to lower their planning standards. We learn of infrastructure projects planned to turn Bangalore into a "world class city" for which we all pay, but most of us cannot afford to use: Eg. Elevated roads. We learn that thousands of crores are spent on upgrading the Bangalore airport, used by about 40,000 travellers daily, but not even a few crores are spent on making basis facilities available to over 10 lakhs travellers who pass through the Majestic area. We are told that the only solution to traffic congestion is road-widening, potentially destroying homes of 5 lakhs of residents and thousands of businesses, when there is no evidence that it actually de-congests traffic.

What to do now:

Planning is not the art of drawing a few lines on a map by some consultants, officials, and possibly real estate developers, and to that our common future. Planning is the very essence of practicing democracy, where each of us has the Right to Participate meaningfully, with all the necessary information, with dignity, and with the intent of shaping our collective futures. Planning based on Public Participation is not a ritual, as the BDA is proposing to do.

So we ask you to participate in this "Public Hearing" tomorrow, *but with the intent of telling BDA it has no business Planning our City*. It is our Business to Plan our City, and it is the duty of the Metropolitan Planning Committee to assist us in this process.

If our futures and those of the next generation matter to us, the time to act is tomorrow. Whether you are a top notch corporate honcho, a retired Judge, a retired Senior Bureaucrat, a Businessman, Teacher, Street Vendor, Bank Official or just a Resident or an Elected Representative, it matters that you participate in the "Public Hearing" tomorrow to tell BDA:



"BDA has no business Planning our City".

"It is our Right to Plan our City"

"It is the duty of the Metropolitan Planning Committee to assist us in Exercising our Right to Plan Our City."

"Maps and Officials Must Travel to People. And NOT People to Ritual "Public Hearings""

We hope to see you tomorrow at Yavanika at 10.30 am on 13th November 2014, because we know What your City Becomes Matters to You and Your Children.

For any further details, please contact Akshatha at Environment Support Group on 26713559~61 (10 am to 6 pm) and via email: <akshatha@esgindia.org>

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Representation protesting lack of any meaningful public consultation, and violation of significant constitutional provisions of Government of Karnataka, by the Bangalore Development Authority in the process of formulation of the Revised Comprehensive Development Plan of Bangalore – 2015

September 9th 2005



The signatories of this statement include a collective of resident welfare associations, voluntary organisations, and individuals working in the wider public interest, research organisations and representatives from a wide variety of institutions. The purpose of this statement is to protest gross violation of significant constitutional provisions by the Government of Karnataka, in particular the Bangalore Development Authority, in the process of formulation of the Revised Comprehensive Development Plan of Bangalore - 2015. The signatories demand immediate corrective measures per the letter and spirit of the law, in particular, the Constitutional (74th) Amendment (Nagarpalika) Act, the Karnataka Municipal Corporation Act, the Karnataka Town and Country Planning Act and the Bangalore Development Authority Act, amongst others.

(1) Bangalore is a fast expanding metropolis. Its population is presently in the region of 60 to 70 lakhs and is spread over an area of 500 sq. kms. under the administrative jurisdiction of the Bangalore Mahanagara Palike, 7 City Municipal Councils, 1 Town Municipal Council and tens of Panchayats. By 2011 the population is likely to reach 80 lakhs, and the total urbanised area could be close to 1,000 sq. kms. It would thus become one of the largest metropolises in the world. If the current population growth rate continues, the city would have a population of 1 crore (10 million) by 2025 and the spread of the city could exceed 1500 sq. kms.

(2) Such a scenario demands an administrative approach that embraces participatory governance



mechanisms. This is for the simple reason that management of large and densely populated urban areas is a very complex exercise and impossible without people's active engagement and cooperation in its planning and management. Worldwide experiences have emphatically subscribed to the view that management of such densely populated large urban regions is possible only when citizen involvement is guaranteed at all levels, especially evolving from the local and with elected representatives and elected bodies being in leadership. A people centred and ecologically sensitive planning approach is demanded based on principles of equity and justice for all, thus guaranteeing reasonable living comforts for all classes and sections of society. This requires acute understanding of local social dynamics and acknowledgement of the complex natural limits to the city's growth. Needless to state, such planning demands deep and varied consultation, wherein planners must engage with people in their communities and in both existing and prospective urban areas.

(3) When the Bangalore Development Authority (BDA) revealed the Revised Comprehensive Development Plan - 2015 for public comment about two months ago, the general expectation was that it would fulfill these needs. However, as the public comment period is nearing closure, it is becoming increasingly evident that as in the past, the BDA has no intention of actively consulting the wide public in the framework prescribed per the Nagarpalika Act. BDA has merely located the RCDP maps in a central location - the only difference this time is that it is at Yavanika, slightly more approachable than the BDA's own offices. Continuance of such rigid practices has ensured that almost all citizens do not have access to the maps, and would thus be victims of city development proposals that they not seen, not prepared and not understood. The design of the present consultation explicitly prevents any possibility for positively participating and influencing the city's growth and development for citizens and local elected representatives.

(4) The best evidence of this is the statement of Shri. M. N. Vidyashankar, Commissioner, BDA, who while participating in a public discussion on the RCDP on 06 September 2005, confirmed that in all, 3,200 suggestions have been received from the public, of which over 95% are about "individual site numbers" (Source: The Hindu, 07 September 2005). Clearly for a city with a population exceeding 60 lakhs, a mere 0.05% of citizen input, almost all of which is about personal grievances, is not the kind of participation any city, least of all the techno-savvy Bangalore should be proud of. This essentially confirms that citizens aren't to blame for such terribly low participation and comments. Simply stated, the maps have to travel to people and their communities, and not the other way round as is now the case.

(5) The BDA is a cash rich organisation and has extensive infrastructure and human resources at its disposal. If it wills, BDA can ensure that every Ward in BMP, every ward in the City and Town Municipal Councils, and every Panchayat affected by its RCDP will have access to the maps. After all, today's technology makes it super easy for such planning material to be made available where people are, where communities thrive, and where local governments function. Unless such an exercise is undertaken, there is simply no value in the ongoing public comment process on the RCDP. If such practices are sustained, it would not be representative of 99% of citizens' concerns, views, hopes and ideas. It would at best represent the views of consultants and a few bureaucrats who are privileged, very wrongly, by the wrong set of administrative practice, but not law.

Therefore we demand that BDA must ensure that at the Offices of each Ward, in the City, TMC and every Panchayat by its RCDP will display that/those segments of the RCDP relevant to that area and its contiguous areas in sufficiently enlarged scale so that the citizens can meaning fully understand and comment on same. Further, these maps must be available for sale with the cost at affordable level say Rs 100/ per Map. Besides this, BDA must also have them displayed on its website so that it is available as a public document in the public domain. This is quite simple and can easily be implemented by the BDA provided it has a will to do it.

The people's representatives at the very basic level, i.e. Corporators in the BMP and similar representatives should be also supplied same free of charge and invited to become a part of the People's Participation process.

(6) The law demands people must be consulted, particularly their elected representatives, in planning processes. The Nagarpalika Act enacted 13 years ago requires all states to comply with the



following requirements relating to urban and regional planning through formation of consultative and representative planning bodies:

243ZD. Committee for district planning.-

(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the District Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c) the functions relating to district planning which may be assigned to such Committees;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZE. Committee for Metropolitan planning.-

(1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the Metropolitan Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall



be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

(c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;

(d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;

(e) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan, -

(a) have regard to-

(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the Government of the State;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.”

The Government of Karnataka has not complied with a single provision of this very fundamental feature of the Nagarpalika Act. Instead it has continued to empower para-statal agencies such as the BDA, which are unrepresentative of citizenry, with plan making powers, clearly in violation of the Constitution of India. **Mere “consultation” with representatives of influential lobbies such as of builders and architects, or of heads of departments, or even some NGOs, does not constitute a Comprehensive Development Planning process for the Metropolis, as envisaged in the Nagarpalika Act, and the Karnataka Town and Country Planning Act.** If anything, the present exercise tears against the very core of constitutional guarantees for planning to be centred on involvement of citizens and their elected representatives.

(7) In this regard, it must also be highlighted that the present RCDP now on display, copies of which are also being sold at a prohibitive cost of Rs. 5000/-, does not at all provide a comparison of the existing land use with proposed land use. In fact the existing land use maps are not made available when one purchases a set of volumes of RCDP, though the claim is that the volume is included. This makes it extremely difficult for anyone to appreciate the changes proposed and its implications for the future. This has fuelled widespread suspicions that a probable reason for such non-disclosure is that it would expose the gross failure of BDA in failing to regulate the city’s growth per the 1995 CDP. It is



widely known that land use proposed in 1995 has been followed more in violation, than per plan. Such gross abuse would not have been possible, except with active connivance and complicity of officials of BDA and other government agencies. A broad survey of the RCDP-2015 reveals it as an exercise in regularising major land use violations that have taken place over the past decade or so, without at all attempting to analyse reasons for failure in implementation. If only such analysis had guided prospective planning processes, and the same were widely and openly debated, especially involving our local elected bodies, it would result in a plan that was pragmatic and reflective of ground realities. Instead **the present exercise has reduced the planning process to merely fulfilling a legal requirement.** It thus fails in providing any reasonable vision of the futures of Bangalore, the resources demanded and also of the challenges to governance. Citizens' right to enjoy living conditions that they have been participant in shaping is thus denied. There is, therefore, a very high likelihood that like in the past, this exercise too would only aid in severely compromising the living requirements and livelihood needs of urban poor communities and of those in the rural hinterland. Needless to state, this is likely to produce a city which will make life difficult for all.

(8) From a regional perspective too, the RCDP offers no vision of the kind of energy and other citizens' services such as water, sewerage, domestic/industry waste management and disposal, roads, traffic loads anticipated, air pollution and so on. Neither are there any details of the types of environmental services demanded, especially with regard to water. No analysis is offered to understand social and environmental impacts and how to manage them. Hence, we demand that for a start, data and analysis showing how the previous CDP fared on these infrastructure needs. The citizens also demand to know how the estimates of 2015 in respect of at least the above stated infrastructure elements are arrived at, and also in what manner has the BDA carried out the consultation process with these infrastructure providers, (and what projection mechanism has been followed by them to work out the future demands, if they have been consulted by the BDA).

(9) The previous CDPs have made specific mention of the existence and proliferation of slums besides providing some details on the various schemes that have been undertaken or need to be undertaken to provide basic services such as water, drains, etc. to slums. Importantly there is specific focus laid on the various housing and rehabilitation plans needed for housing indicating that tenure security was high on the agenda. The 1995 CDP goes many steps further than the 1984 CDP with regard to elaborating on the perspective around slums. To quote,

"The normal tendency has been to look upon slums as ugly spots dotting an otherwise beautiful city and these must, therefore be removed and if it is not possible to remove them, some improvements must be made as per the Government programme. This approach has to change and a slum has to be seen as a human settlement. So long as people keep on migrating into the city for jobs and as long as housing is in short supply, specially for the poor, this problem is bound to persist. **Planning should therefore aim at providing shelter to such people than preventing them from leading a decent life.**"

The present draft of the Revised CDP, however does not mention the word "slums". As a matter of fact it does not even mention "slum dwellers". Instead of referring in particular to the word "slums", the BDA has opted to use "shadow areas" i.e. areas defined by the lack of facilities and civic amenities. In doing so the BDA has denied the very existence of slums in Bangalore thereby denying slum dwellers any existence in the future vision of the city. The report ignores the special problems that slum dwellers face i.e. lack of tenure security, poor housing, poor access to basic civic amenities, etc. and reduces them to just a problem of access to civic amenities. The use of the word "slum" invokes associations that help understand the realities of slums dwellers, especially lack of livable conditions. However, the use of "shadow areas" does not invoke such associations thereby negating the specific problems that slum dwellers face.

The CDP has to have a slum – specific programme for providing secure tenure, housing, civic amenities and other rights to slum dwellers.

(10) Given past experiences, the undersigned have no hope that the current planning exercise undertaken by BDA would result in a livable Bangalore for all. **Unless a more decentralised**



approach to planning is undertaken, as prescribed by the Nagarpalika Act, the whole exercise would grossly violate the law, in particular rights of elected representatives and citizens in directly engaging with the planning and management of their city. Keeping this fundamental requisite for planned development in view, we demand the following:

(i) That every Ward of BMP, every Ward of City and Town Municipal Councils and all Panchayats affected by the RCDP should be provided an hard copy of the RCDP - 2015. The cost of reproduction should not be a concern, as it would not exceed Rs. 10 lakhs, constituting a fraction of the gain made by BDA in the auction of just one its thousands of corner sites.

(ii) These plans should be in public view on all working days for a period of three months at least. The local elected representatives should organise public meetings to discuss and debate the plans with particular regard to their neighbourhood. All individual and collective comments must be recorded and collated at the end of the 3 month period. BDA officials should actively assist in explaining the plans to elected representatives and communities.

(iii) The Government of Karnataka must immediately constitute the Metropolitan Planning Committee (MPA) as envisaged in the Nagarpalika Act for Bangalore and other Metropolitan areas in the state. It must similarly constitute District Planning Committees in all districts.

(iv) The MPA should be the agency to receive all collated comments from local bodies, and any other independent comments. A compilation of these in a referral volume would be made available online through an active interface public database. The comprehensive discussion of the inclusion of such comments in the final CDP, or rejection as the case may be, would also be made public in a similar manner.

(v) The final plan on approval should be accessible online, and a physical copy should be available in all Wards and Panchayats on permanent public display. Any land use changes should fully comply with the provisions of the Karnataka Town and Country Planning Act that require newspaper advertisements calling for objections, a rule that has been rarely complied with by BDA.

We hope that these reasonable demands that we make, which are after all only features already provided in law, would be readily accepted by the Government in the interest of justice and equity for all.

Signed:

-- ENDORSEMENTS BY ORGANISATIONS AND INDIVIDUALS --