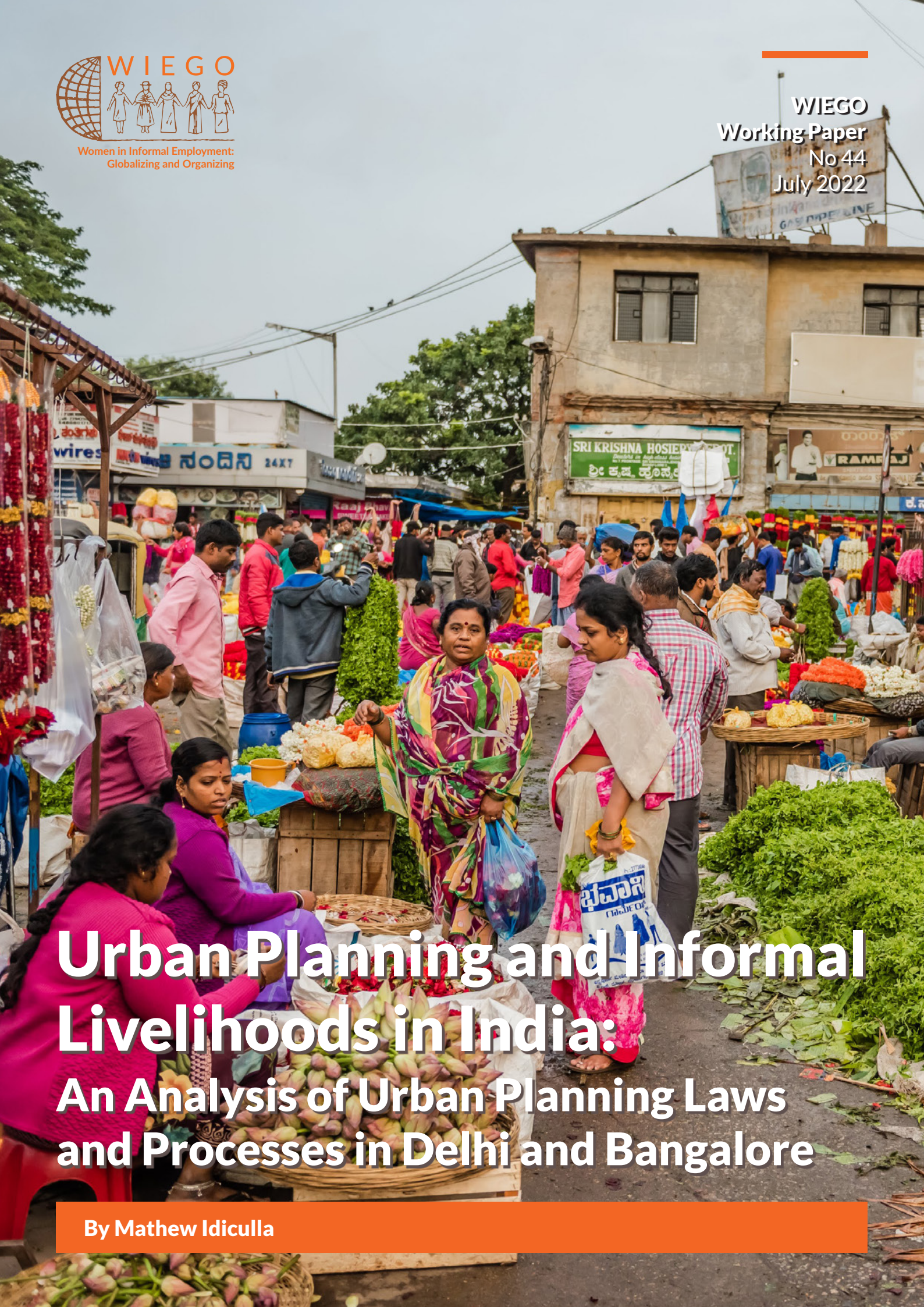




Urban Planning and Informal Livelihoods in India:

An Analysis of Urban Planning Laws and Processes in Delhi and Bangalore

By Mathew Idiculla

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Abstract

This paper seeks to critically analyze the legal framework of urban planning in India and the challenges and opportunities it presents informal workers. It examines how planning laws, processes, instruments, and practices in Delhi and Bangalore impact informal livelihoods and the scope they present informal worker organizations to engage with the planning process. The legal framework of urban planning shapes the way in which urban plans are prepared and implemented and determines what developments and activities are legally permissible. Understanding the legal framework of urban planning is important as it regulates whether, and how, informal workers can access public space, conduct their work, and pursue their livelihoods. This paper examines questions regarding who has the authority to plan, whether the planning process is participative, and how the plan is contested and implemented on the ground in Delhi and Bangalore. It closely analyzes the provisions of the Master Plan for Delhi-2041 and two urban planning initiatives in Bangalore to understand how planning instruments and practices regulate and impact informal workers. This paper argues that India's urban planning law framework institutes a top-down planning exercise in which bureaucratic agencies with no local-level accountability prepare the plans in a process that offers limited scope for participation by stakeholders like informal workers.

1. Introduction

Urban planning plays a key role in determining the process of urbanization and the form of development that takes place in the city. It can direct the city towards specific goals like economic development, social inclusion, and environmental sustainability. Urban plans are key legal and policy instruments that facilitate the pursuit of these goals and regulate how various urban actors operate in the city. The legal framework of urban planning shapes the way in which urban plans are prepared and implemented and determines what developments and activities are legally permissible in the city. An examination of the institutions and processes of urban planning is important to understand how various groups of urban residents, including informal workers, can live, work, and navigate the city.

This paper seeks to critically analyze the legal framework of urban planning in India and the challenges and opportunities it presents informal workers. It examines how planning laws, processes, instruments, and practices in Delhi and Bangalore impact informal livelihoods and the scope they present informal worker organizations to engage with the planning process. Informal workers, such as street vendors, waste pickers and home-based workers, face various challenges arising out of the laws and plans that regulate their activities. Understanding the legal framework of urban planning is important as it regulates whether, and how, informal workers can access public space, conduct their work, and pursue their

livelihoods. An in-depth study of the planning systems of Delhi and Bangalore will contribute to an understanding of whether planning law may be a tool for the enfranchisement or disenfranchisement of informal workers.

This paper analyzes how the legal framework of urban planning affects informal livelihoods in India through the following ways: an examination of the laws, institutions, processes, and instruments governing urban planning in Delhi and Bangalore; an analysis of how the Master Plan for Delhi-2041 impacts the livelihoods of informal workers; case studies from Bangalore that examine how urban planning initiatives may be inclusionary or exclusionary for informal workers; and a discussion on how informal worker groups can engage with the planning process.

For understanding the legal framework of urban planning in India, the paper explores questions regarding who has the authority to plan, whether the planning process is participative, and how the plan is contested and implemented on the ground in Delhi and Bangalore. To understand how planning instruments and practices regulate and impact informal workers, it closely analyzes the provisions of the Master Plan for Delhi-2041 and two urban planning initiatives – mixed-use zoning in the old city and Tender SURE roads – in Bangalore. Through such an enquiry, this paper seeks to examine to what extent planning laws and processes are inclusive for all people and how they influence and circumscribe informal workers' ability to pursue their livelihood.¹

¹ The paper's scope is focused on urban planning laws and instruments in Delhi and Bangalore and does not examine all the various laws and regulations, such as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, and municipal rules, which also affect informal workers' access to public space.

This paper argues that India's urban planning law framework institutes a top-down planning exercise in which bureaucratic agencies with no local-level accountability prepare the plans in a process that offers limited scope for participation by stakeholders like informal workers. The master plans that are drawn up through this process are not fully implemented and, instead, laws for the legalization of planning violations are introduced. An examination of the Draft Master Plan for Delhi-2041 reveals that while the contribution of the informal sector is acknowledged in various parts of the plan, the development control norms accompanying it put onerous restrictions on informal workers. Further, the urban planning practice case studies from Bangalore reveal that the introduction of measures like mixed-use zoning that benefit home-based workers are precarious, and street urban design initiatives that are pedestrian-centric ignore the centrality of street vendors in public space.

This paper is divided into six sections. Section 2 surveys the literature on urban planning and access to public space and examines to what extent it considers issues related to informal workers' livelihoods and questions regarding planning laws and processes. Section 3 examines the evolution of India's urban planning system and specifically discusses the laws, institutions and processes governing urban planning in Delhi and Bangalore. It examines questions around who has the authority to plan, how participative the planning process is and what are the challenges in its implementation. The next two sections examine how planning instruments and practices in Delhi and Bangalore impact informal livelihoods. Section 4 examines how the provisions of the Draft Master Plan for Delhi-2041 and its Development Control Norms regulate specific groups of informal workers – street vendors, waste pickers and home-based workers. Section 5 explores how two urban planning and design initiatives – mixed-use zoning in the Bangalore *Pete* and *Tender SURE* Road design initiative – affect informal workers' access to public space and ability to pursue their livelihood. Section 6 sums up the institutional infirmities of the urban planning system in India and discusses the ways by which informal workers can engage with the planning process.

2. Urban Planning Law and Informal Livelihoods

Urban planning and governance processes that allow for access to public space are vital for informal workers' livelihoods. However,

the academic literature on urban planning and public space has tended to neglect the question of informal workers and their livelihoods. While there is substantial literature examining the relationship between urban planning and informality, it tends to focus on informal settlements rather than work. Though there is a growing interest and recognition of informality as a dominant mode of urbanization, this literature is broadly pessimistic about the possibilities of more inclusive practices (Chen et al. 2016). Further, the academic and policy literature on urban planning has paid insufficient attention to the legal framework under which planning systems work.

This section examines how the urban planning literature engages with questions regarding planning laws and processes and issues of informal livelihoods. It first discusses the literature that explores questions regarding the legal framework of urban planning and then examines to what extent the literature on urban planning discusses questions related to informal workers' livelihoods.

2.1. Urban Planning and the Law

While urban planning has been examined from multiple social science perspectives, the legal and institutional dimensions of urban planning have been relatively underexplored. The classic book on urban planning and land use law continues to be McAuslan's 1980 treatise *The Ideologies of Planning Law*. In this book, McAuslan (1980) argues that planning law is not neutral but is itself based on three competing ideologies: private property, public interest, and public participation. The ideology of private property is based on the traditional common law view that prioritizes the protection of property rights of individuals; the ideology of public interest is based on the view that the law exists to advance public interest; and the ideology of public participation emphasizes the right of people to participate in decision-making processes. McAuslan argues that planning law systems of a jurisdiction tend to lean towards one of these ideologies over the others or might be a combination of these three.

McAuslan (1980: 180) concludes that in the UK, while there was an "oscillation between private property and public interest" in the cases related to urban planning, the courts on balance seemed to favour private property interests. The ideology of public participation was least developed in law and policy and was grounded in either the ideology of public interest or private property. Though the ideologies of private property and the public interest have been strong features of planning law

for many years, the idea of public participation is also now emerging as an important element of planning law and policy (Stokes 2012).

The ideas discussed in McAuslan's seminal work have been taken forward to some extent in contemporary analyzes of planning law regimes of specific jurisdictions, in both the global North and global South. Adshead (2014) has examined how the balance among the various competing ideologies of planning law have evolved in England and Wales. McAuslan has also engaged with the planning and land laws in Africa and suggested reforms that would undo the colonial planning legislations and processes (Zartaloudis 2017) and institute contextually relevant and pragmatic laws that secure the legal rights of all urban residents (Berrisford and McAuslan 2017). Along with McAuslan (2001; 2011), scholars like Berrisford (2014; 2011), Kihato (2012) and Wekwete (1995) have examined the planning law systems in specific African jurisdictions, and the journal *Urban Forum* also carried a special issue on urban planning law in Africa (Watson 2011).

Urban planning and land-use regulations can play a vital role in the use and access of public spaces. Foster and Iaione (2015) in their treatise "The City as a Commons", highlight how planning regulations play a role in determining whether people can access public spaces and urban commons. They argue that "zoning restrictions can control the kind of users allowed to consume the commons by excluding those who are likely to take out more than what might be considered their fair share of the commons," and through its system of separation and exclusion, zoning can help create and preserve the "character" of the city and neighbourhood (Foster and Iaione 2015: 311). They note that the city may use zoning and land use tools such as "inclusive zoning to structure incentives for sharing the city and for ensuring that a broader group of inhabitants can access and use the city commons" (ibid: 324).

While the field of urban planning has received a lot of attention in academic and policy scholarship in India in recent years, there is very limited discussion of the formal and legal dimensions of planning. While one strand of literature on urban planning emerging from policy-oriented scholars uses a positivist lens to argue that planning can be an instrument for urban development (Ahluwalia 2011; Kumar et al. 2020), another strand of literature from critical scholars is skeptical of the very instrument of planning (Roy 2009; Bhan 2013). However, neither of these strands of literature on urban planning in India systematically engage with questions regarding the legal

framework and processes of planning. Beyond the legal framework of urban planning, two strands of literature are useful for understanding planning process and the law: city-specific case studies on the planning process and critiques of judicial intervention in urban planning.

There is a wide set of scholarly work that examines the planning systems and process of one city (Pethe et al. 2014; Pellissery et al. 2016; Adhvaryu 2011; Krishnankutty 2018), and this is useful for understanding how urban planning processes work in India in general. Pethe et al. (2014) analyze the planning process in Mumbai to understand why there is a significant divergence in what is laid out in the master plan and actual land use patterns. They highlight that the master planning instrument with its rigidity is not able to respond to the changing needs of the people and argue that the divergence between the stated and actual land use is due to the inability of plans to adapt to changing urban conditions. The actual land-use patterns show that both the needs of the corporate class as well as those living in slums are later accommodated, either through specific exceptions on land-use regulations or through informal processes outside the plan. In an examination of how changing planning laws support crony capitalism in Bangalore, Pellissery et al. (2016) argue that rent-seeking interests created by the nexus between politicians and real estate groups have driven regulatory changes that condone illegal constructions.

There is also an emerging field of literature in India that examines how the courts employ the law in remaking cities. Bhan (2016), Bhuwania (2017) and Ghertner (2015) have highlighted in recent books on Delhi's slum evictions that middle-class groups file Public Interest Litigations (PILs) before the higher judiciary to use the power of law to demolish slums. In these cases, a Resident Welfare Association (RWA) of a middle-class neighbourhood usually files a PIL for the removal of a nearby slum for being "illegal", and the Court proceeds without making the slum dwellers parties to the case and orders the demolition of the slums (Bhuwania 2017). The Court's jurisprudence is based on an expanded definition of "public nuisance" demonstrated by producing photographs that indicate the appearance of filth or unruliness (Ghertner 2015). The Courts tend to draw a distinction between two classes of people – "citizens", who are honest and tax-paying individuals, and "encroachers", who are violating laws (Bhan 2016).

2.2. Urban Planning and Informal Livelihoods

The relationship between planning and informality has been a major field of enquiry in the literature on urban planning, especially in the context of the global South. In fact, the dominant academic literature on urban planning in India is about how planning is dominated by informality, as captured by Roy's famous essay "Why India Cannot Plan its Cities" (2009). Roy argues that urban planning in India is characterized by informality, where the law is left open-ended for multiple interpretations and interests. Planning under such a system is to be understood as the "management of resources, particularly land, through dynamic processes of informality" (2009: 80). She argues that claims over land are not based on a prescribed set of regulations but work in an arbitrary manner. Hence, the planned Indian city is seen as an actively deregulated space, where the planning process is itself characterized by informality and illegality (Roy 2009; Bhan 2013).

This builds on works of various post-colonial scholars who view urban processes from the lens of political economy. Chatterjee (2004) argues that the urban poor operate in a "political society", as opposed to a "civil society", since they live on the margins of legality, and their daily life is marked by routine violations of multiple laws and strategic negotiations with the state. Scholars of Indian urbanism argue that Indian cities often accommodate and foster insurgent claims to land, since the planning process is marked by the contestation between published plans and territorial claims made on them (Roy 2009; Benjamin 2008). Benjamin (2008) highlights how poor groups strategically negotiate with the state through the "vote bank politics" at the municipal level and make claims on urban resources. Appadurai (2001) notes that the urban poor use multiple techniques like building alliances with non-governmental organizations (NGOs) to construct a "governmentality from below".

Examining the relationship between urban planning practice and planning violations in Bangalore, Sundaresan (2019:1) argues that violations should be seen as "the outcome of the particular kind of planning practice embedded within the political culture of democratic governance in India rather than as a deviation". He argues that planning violations are not always produced in opposition to the formal and the legal but are "a product of the planning practice itself – is a joint act – a cooperative endeavor" that involves official and unofficial actors and processes (Sundaresan 2019). However,

Doshi and Ranganathan (2017) point out that activist discourse differentiates between the everyday "encroachments" of the poor and lower middle class and the "land grabs" of the globally connected elite for private profit. The former is seen as the only recourse for housing and livelihood, and thus not inherently wrong, while the latter is increasingly being narrated as wrongful, corrupt, and wealth-extracting.

Despite this burgeoning literature on urban planning and informality, it does not engage much with questions related to informal workers and their livelihoods. Skinner and Watson (2020), in the context of Africa, note that while the literature in the areas of informal work and informal settlements is often viewed as separate, the two areas are intimately interconnected. Those who are engaged in informal work often live in informal settlements, and these spaces are not just places of residence but also places of work. They note that while formal planning laws have little effect on the ground, such unimplementable planning systems become a political tool for politicians and officials to "clean up the city" by evicting informal workers and residents. Informal workers and residents also offer political support to promote their claims to land and space, and such "vote-banking" strategies drive patron-client networks that allow for exploitative rent-seeking opportunities.

This literature on planning and access to public space also makes very limited references or connections with the concerns of informal workers. Chen et al. (2018) in one of the few research enquiries on access to public space and informal livelihoods, examine the academic and policy literature on public space and exclusionary and inclusionary practices and policies of city governments regarding access to public space for urban informal workers. It critiques the literature on urban planning that creates oppositional binaries like legal-illegal and formal-informal in ways that tend to marginalize informal workers and criminalize their activities. The paper also examines the struggles of street vendors to access public space in cities of the global South and considers the challenges faced by local governments to regulate the use of public space (Chen et al. 2018).

As the discussion in the above sections show, while informality is now a dominant mode of understanding urban planning in the global South, this literature usually does not explore issues concerning informal work and livelihoods. Further, the urban planning literature in jurisdictions like India does not systematically analyze the legal framework of planning. Hence, the links among

urban planning, planning laws, and informal livelihoods have not been sufficiently explored. This paper seeks to partially address this gap through a close analysis of the urban planning laws and processes in India and their impact on informal livelihoods. It builds on McAuslan's (1980) analysis of planning-law systems to examine whether the legal framework of urban planning in Delhi and Bangalore allows informal workers to participate in and benefit from the planning process.

3. The Legal Framework of Urban Planning in Delhi and Bangalore

It is important to examine the legal framework of urban planning as it still determines what can or cannot be done in the city, even if its enforcement is inconsistent. This is particularly relevant for informal workers, as their access to the city is mediated through urban planning laws, regulations, and processes. While examining the legal framework of urban planning in India, we need to examine certain critical questions. Firstly, who has the authority to plan? What is the planning process and how participative is it? How much of the plan is implemented on the ground? These are questions that are relevant for all urban residents, but particularly for informal workers like street vendors, waste pickers and home-based workers, whose livelihoods are directly or indirectly affected by these urban regulations and processes.

In terms of the authority to plan, in both Delhi and Bangalore, the planning process is carried out by a bureaucratic agency with no local-level accountability, which potentially makes it more difficult for informal workers to influence decision-making. Regarding the planning process, the steps prescribed for Delhi and Bangalore do not provide the public adequate avenues for participation and, hence, the engagement of informal workers' groups have been mainly through informal channels. Finally, since provisions of the master plan are often not implemented, laws for the legalization of certain planning violations have been introduced in both Delhi and Bangalore, but they are unlikely to benefit informal workers, as they mainly cater to middle-class neighbourhoods.

This section first looks at how the laws and institutions regarding urban planning in India have evolved. This is followed by subsections that examine the planning system of Delhi and Bangalore through questions on who has the authority to plan, what the planning process entails, and how the plan is implemented on the ground.

3.1. Evolution of India's Urban Planning Law System

India's urban planning system owes its origins to the planning laws and practices introduced by the British colonial government. It was the bubonic plague that struck Bombay in 1896 that led the British to initiate urban planning institutions and processes in India. Until then, the colonial government was mostly only concerned with administering and regulating the British cantonment and adjoining civil lines where they lived. With the plague that killed almost 50,000 people or six per cent of Bombay's population, the colonial government decided that it needed to be more directly involved in regulating urban development of the city as a whole (Spodek 2013). As a result, in 1898 the British-controlled Bombay Presidency created the Bombay Improvement Trust. Similar Improvement Trusts, which were responsible for urban planning, were soon created in other cities across India (Ranganathan 2018).

While the colonial government established the Delhi Improvement Trust in 1937, the City Improvement Trust Board for Bangalore was created in 1945. These Improvement Trusts leave a very significant post-colonial legacy with Development Authorities in cities now performing a similar role in urban planning and development. In the context of Calcutta, Datta (2013) notes that the "autonomous nature of the Trust indicated that the colonial government distrusted Indians in the elected municipality". After British Viceroy Lord Ripon issued the Resolution of 1882, Municipalities became elected bodies with limited adult franchise for those who satisfied certain income and property criteria. Kidambi (2007: 72) argues that the creation of these Improvement Trusts ensured that appointed officials could proceed "unencumbered by accountability to representatives of local self-governing institutions". The logic of urban planning cutting away from local politics rings true even today, with Development Authorities functioning without any accountability to the elected municipal government.

The first urban planning legislation in India was the Bombay Town Planning Act of 1915. This Act was inspired by the Housing and Town Planning Act of 1909, the first major town planning law in Britain that drew its inspiration from Ebenezer Howard's Garden City movement (Spodek 2013). In Britain, the Town Planning Schemes were replaced by Development Plans in the Town and Country Planning Act, 1947, which provided for comprehensive planning of the entire city. This act was the inspiration for similar planning

legislation in India, firstly the Bombay Town Planning Act, 1954, which gave owners of land the authority to do micro-level planning and, later, the central government's Model Town and Country Planning Act, 1960. The Model Act of 1960 was subsequently adapted by various states and passed as the planning law governing the state (Ansari 1977). With adoption of this British-inspired law, development plans (also called master plans) became the central instrument of planning in Indian cities. The development/master plan is a legally enforceable planning instrument that determines for what purpose a parcel of land can be used, reserves land for public purpose and lays down regulations for land use and buildings.

The state of Karnataka (then called Mysore) followed the Model Law to enact the Karnataka Town and Country Planning (KTCP) Act, 1961. This law continues to be the law governing urban planning in Bangalore. The KTCP Act provides for the preparation of the development/master plan and town planning schemes. The first development plan for Bangalore was the Outline Development Plan (ODP) for the 15-year period 1961-76, adopted in 1972. This plan divided the city into two areas of a total of 500 square kilometres, of which the outer ring was to be conserved as a green belt. While the Bangalore Development Authority (BDA) was tasked with preparing the succeeding Comprehensive Development Plan (CDP) in 1976, it was finally adopted in 1984 (Pellissery et al. 2016). This was succeeded by the CDP of 1995 and the Revised Master Plan of 2015.

While the planning legislations of many states in India, including Karnataka, are heavily based on the Model Town and Country Planning Act of 1960, Delhi's planning legislation has a different form and history. With the partition of India in 1947, Delhi saw a huge influx of people from Pakistan arriving as refugees, and the city's population increased from 700,000 to 1.4 million between 1941 and 1951 (Dupont 2011). The spread of the jaundice epidemic in 1956 led to creation of an enquiry committee that found that the contamination of the city's water supply by the sewer drains was responsible for the epidemic and recommended the creation of a Master Plan for Delhi (Sharan 2011). It is in this context that the Delhi Development Authority (DDA) was

established under the Delhi Development Act, 1957, and the first Delhi Master Plan of 1962 was drawn up in partnership with the Ford Foundation. The DDA has gone on to prepare three master plans for the periods of 1961-1981, 1981-2001 and 2001-2021 (Aijaz 2021).

3.2. The Authority to Plan

A primary question to consider in the legal framework of urban planning is who has the authority to plan. The authority regarding planning is an important question for informal workers because, currently, the planning process in most cities in India – including Delhi and Bangalore – is carried out by bureaucratic agencies with no local-level accountability. If the master planning exercise is carried out by the democratically accountable local government, informal workers' groups are potentially in a better position to negotiate with local representatives and make their demands. Though in India's constitutional scheme, urban planning is expected to be carried out by elected local governments, the task of preparing the master plan of the city tends to be vested in state government-controlled bureaucratic agencies (Idiculla 2020).

In 1992, the 74th Constitutional Amendment was passed to empower elected Municipalities to work as effective "institutions of self-government" by granting them powers with respect to "preparation of plans for economic development and social justice" and "implementation of schemes for economic development and social justice" (Article 243-W, Constitution of India). The functions that states are expected to devolve to Municipalities are listed in the Twelfth Schedule. The first three functions listed under this schedule are: "urban planning including town planning", "regulation of land-use and construction of buildings" and "planning for economic and social development". Hence, while urban planning ought to be undertaken by elected municipalities,² it continues to be carried out by development authorities in both Delhi and Bangalore.

In the case of Delhi, the Delhi Development Authority is vested with the task of preparing a Master Plan for Delhi under the Delhi Development Act, 1957. The administrative set-up of Delhi is quite complex, especially since

² The 74th Amendment also mandates the constitution of a Metropolitan Planning Committee (MPC), for metropolitan areas with a population of over one million, with at least two-thirds of its members elected by, and from among, the rural and local governments in the metropolitan area. As per Article 243-ZE, the MPC is required to prepare "a draft development plan" for the metropolitan area having regard to the plans prepared by the local governments as well as "matters of common interest" including coordinated spatial planning, sharing water and other resources, and integrated development of infrastructure.

it is the national capital.³ Previously categorized as a Union Territory, the 69th Constitutional Amendment in 1991 declared Delhi as the National Capital Territory of Delhi, with an elected legislative assembly and council of ministers (Kaur 2018). The Legislative Assembly of Delhi has the power to make laws in all matters in the State list except public order, police, and land, which remain with the Government of India.

The Delhi Development Act, 1957 was enacted by the Parliament of India, and the Delhi Development Authority is under the jurisdiction of the Government of India. This is because the subject of “land” is one of the exemptions where the Government of National Capital Territory of Delhi has no jurisdiction. As per Section 6 of this Act, the object of the Authority is to “promote and secure the development of Delhi according to plan”, and for that purpose the Authority has been vested with the power to “acquire, hold, manage and dispose of land and other property” and to carry out building and engineering and execute works in water supply, electricity, sewage and other services necessary for urban development.⁴

Hence, while under the Constitutional scheme the task of urban planning is supposed to be carried out by the elected local government, in Delhi it is neither the local government nor even the state government that controls urban planning. Rather it is the Delhi Development Authority, a parastatal agency that is accountable only to the Union Government, that is vested with the powers over urban planning. The control of the Union Government over the preparation of a master plan is clearly laid out in the Delhi Development Act, 1957. The Act prescribes that the DDA shall carry out directions issued to it by the Central Government and, in case of any dispute, the decision of the Central Government shall be final.⁵ In this manner, the Union Government is vested with the power to exercise full control over the functioning of the DDA.

In the case of Bangalore too, it is the Bangalore Development Authority that is vested with the task of preparing the master plan and not the elected municipality. Bangalore is the capital of the state of Karnataka, and the planning law governing the state is the Karnataka Town and Country Planning Act, 1961. Under this law, the body responsible for preparing the master plan is a Local Planning Authority, which shall prepare the plan for a geographic area designated by the state government as a “Local Planning Area” (Section 4A). In the case of Bangalore, the Local Planning Authority is a specialized agency in the form of the BDA (Section 81B). The BDA, established in 1976 under the Bangalore Development Authority Act, 1976, as a successor to the City Improvement Trust Board (CITB), combines the functions of the Planning Authority under the KTCP Act with the developmental functions of the CITB.

The legal authority of planning in Bangalore has been a vexed question that has been subject to judicial challenges. Civil society groups in Bangalore have filed Writ Petitions in the High Court of Karnataka challenging the constitutional authority of the BDA to prepare the master plan.⁶ When the constitutionality of BDA was initially challenged in 2002, the Supreme Court upheld the BDA Act on the ground that it is a special legislation and that municipal functions like town planning and regulation of land use are distinct from the task of a Development Authority.⁷ However, since the case did not directly deal with the planning powers of the BDA, the Supreme Court has not conclusively answered whether the BDA has the constitutional authority for urban planning, and this question is still pending before the Karnataka High Court in an ongoing case (Krishnaswamy and Idiculla 2018). The High Court passed an interim order restraining the Government of Karnataka from approving the master plan prepared by the BDA without the permission of the Court (*The Hindu* 2017).

³ Delhi is under partial control of the Government of India but is chiefly administered by the Government of National Capital Territory of Delhi and also has a set of municipal governments. The Municipal Corporation of Delhi (MCD) was created under the Delhi Municipal Corporation Act, 1957. In 2012, the MCD was split into three separate Municipal Corporations: East, South, and North Delhi Municipal Corporations. Along with these, the other local authorities in Delhi are the New Delhi Municipal Council for the 40 sq.km. New Delhi area and the Delhi Cantonment Board for the military areas.

⁴ According to Section 3, the DDA is a corporate body with perpetual succession, with a common seal and is vested power to acquire, hold and dispose of property and to enter into contracts

⁵ Section 41. It further vests the Central Government with the power to call for the records of any order passed by the Authority for considering its legality or propriety and “may pass such order or issue such direction in relation thereto as it may think fit.

⁶ The petitioners have argued that the KTCP Act is unconstitutional since it provides for the preparation of the master plan without any reference to the Metropolitan Planning Committee, as provided under Article 243-ZE of the Constitution, introduced by the 74th Constitutional Amendment.

⁷ *Sharadamma and Others v. State of Karnataka* (2005) 4 KarLJ 481 (WP No. 6530/2008)

3.3. The Process of Planning

Along with the question of who has the authority to plan, the process by which the master plan is prepared is central to the legal framework of urban planning. The key question to consider is whether the planning process provides adequate avenues for public consultation or participation. Globally, the modernist and rationalist paradigm of top-down planning since the 1970s has given way to planning systems that allow for more community participation in various ways. Nevertheless, the urban planning processes prescribed in the planning legislations in Indian cities have not undergone much change and continue to be a top-down process, with limited opportunity for stakeholders like informal workers to engage with the formal planning process. The mode of public engagement envisaged in both Delhi and Bangalore is that of merely informing the public rather than eliciting their participation in a deliberative process.

In the case of Delhi, the Delhi Development Act, 1957, lays out the processes required for preparing the master plan and zonal plan of Delhi. It states that the DDA shall prepare a draft plan and make a copy of the plan available for inspection and publish a notice “inviting objections and suggestions from any person” before a date it prescribes (Section 10). It further states that after “considering all objections, suggestions and representations, the DDA shall finally prepare the plan and submit it to the Central Government for its approval”. The Central Government may either approve the plan with or without modifications or reject the plan and direct the DDA to prepare a fresh plan. After a plan has been approved, the DDA shall publish a notice stating where a copy of the plan is available for inspection (Section 9). Beyond these sections, there are hardly any provisions that provide for any public engagement in the planning process under the Delhi Development Act, 1957.

The Act merely asks for public comments for a short period of time and does not specify any other public participation or consultation processes. Hence, the scope of active public participation in the planning process is very limited under the law. While the provisions regarding public consultation are minimal in the Act, it entrusts the secretary of DDA with the responsibility to ensure that all public notices issued are “widely made known” using newspapers, announcement by beat of

drum or “any other means that the secretary may think fit” (Section 42). This indicates that the law envisages the DDA to take all efforts to inform the public about the master plan.

The rules made under the Delhi Development Act, 1957, further provide that after the draft master plan is prepared, the DDA has to publish a public notice stating that the draft may be inspected by any person at such time and place as specified.⁸ The rules also provide that the DDA shall appoint a board for enquiry and hearing consisting of at least three members to hear and consider “any representation, objection and suggestion to the draft master plan” (Rule 8). The secretary of DDA shall fix the dates for hearing of objections and notify selected persons about the time and date for a personal hearing regarding their suggestions (Rule 9). After considering the representations, the board shall submit a report of its recommendations to the DDA, which shall consider the report while preparing the master plan (Rule 10, 11). Hence, the rules specified under the Act allow for an additional avenue for public consultation.

Though there is no statutory requirement, the DDA held a series of discussions with various stakeholders and civil society and interest groups in the preparation of Draft Master Plan for Delhi-2041. Even before the draft plan was prepared, coalitions such as the *Main Bhi Dilli* campaign (I, Too, am Delhi), that included the Focal Cities Delhi team of WIEGO, engaged closely with the DDA and the National Institute of Urban Affairs (NIUA) in the planning process (Sinha and Narayan 2021). Once the Draft Master Plan was published, the DDA held a set of online public discussions on various sections of the master plan and also launched an interactive microsite – Public Engagement Portal for MPD-2041 – to share information on the plan. After the last date for sending comments and objections was over, the DDA constituted a Board of Enquiry for hearing the various objections and suggestions it received and held a series of online meetings with individuals and groups invited to make their submission (*The Economic Times* 2021).

In the case of Bangalore, the processes regarding the preparation of the master plan are laid out in the KTCP Act. The Planning Authority, which in Bangalore is the BDA, is required to carry out a survey of the area within its jurisdiction and prepare a master plan for such area and submit it to the state government (Section 9).

⁸ Rule 5, Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959. Further, Rule 7 states that the DDA should serve the notice “to every local authority within whose limits any land touched by the plan is situated, and such local authority may, within a period of 90 days from the date of the notice, make any representation with respect to the plan to the Authority.”

Before carrying out this survey, it shall publish the declaration of its intention to prepare the master plan in the Official Gazette and in local newspapers calling for suggestions from the public (Section 10 (1)). The Authority may “consider” the suggestions made by the public within two months of the publication of declaration and incorporate the same into the plan before sending it to the state government (Section 10 (2)). A copy of the plan showing the boundaries of the area included in the master plan shall be open to the public at the office of the Planning Authority or Local Authority (Section 10 (3)).

The KTCP Act provides that the State Government may make “modifications as it deems fit” and return it to the Planning Authority, which shall publish the plan inviting public comments within 60 days (Section 13 (1)). The Planning Authority shall “consider” the comments and resubmit the plan with recommendations for such modifications “as it considers necessary in the light of the public comments made” to the State Government (Section 13 (2)). The State Government shall then give its final approval to the plan with such modifications as decided. The Planning Authority shall then publish the Master Plan, which shall also be permanently displayed in the office of the Planning Authority for inspection of the public (Section 13 (4)).

So, under the present legislative scheme, planning in Bangalore is also largely a top-down process that does not provide for adequate avenues for people’s participation. Statutorily, other than keeping the plan open for public display for 30 days, there is no public participation required under the KTCP Act. Despite not being a statutory requirement, in the preparation of the Draft Revised Master Plan of 2031, the BDA carried out consultations in the eight administrative zones of Bruhat Bengaluru Mahanagara Palike (BBMP) (*The News Minute* 2017b). The consultations were labeled a sham by many citizens and civil society groups in Bangalore as the meetings were primarily to inform the residents about the plan and not to take their inputs (*The Times of India* 2017). Beyond the active participation of some Resident Welfare Associations (RWAs) of middle-class and upper-class neighbourhoods, the involvement of the larger population of the city in the planning process was limited. The planning exercise did not engage in any consultations with stakeholders like the urban poor or informal workers or hold any workshops in specific localities in the city.

However, after the Draft Revised Master Plan (RMP) 2031 was prepared and published, it was withdrawn by the state government, and the process for preparing a new Revised Master Plan has been initiated (Menezes 2021).

3.4. Plan Implementation and Violations

Since Indian cities are dominated by informality, the implementation of formal planning and regulatory instruments like master plans is not straightforward. While they are supposedly governed by a set of planning laws and regulations, the reality of the built environment reveals that much of urban India operates outside the planned vision of the city. Nevertheless, it is important to analyze the implementation framework of the master plan and how the planning system deals with non-compliance. The questions regarding the implementation framework are important for informal workers, since the enforcement of any provision of the plan regarding informal workers is determined by the existence of a mechanism that provides for its implementation.

With much of the urban development not compliant with planning norms, laws and policy measures have been introduced in both Delhi and Bangalore for the regularization or legalization of planning violations. Questions regarding the violation or non-compliance of the plan and measures for regularization of such plan violations are also important, since informal workers tend to live in informal settlements that are often not in compliance with the plan. However, the laws and schemes that seek to legalize planning violations in Delhi and Bangalore largely deal with planning violations carried out by middle-class neighbourhoods and, hence, are unlikely to benefit informal workers.

In the case of Delhi, the Delhi Development Act, 1957, does not provide for a separate institutional framework for implementing plans, but seeks to obtain compliance through provisions that prevent developments in contravention of the plan. Section 12 of the Act states that after any plan comes into operation, “no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.”⁹ The Act further requires that every person seeking to obtain permission for development shall make an application to the DDA in the prescribed manner

⁹ Section 12 vests the Central Government the power to declare any area in Delhi to be a “development area” and requires that the DDA shall not undertake any development of land in any area which is not a development area. It further states that no development of land shall be carried out in a development area by any person or body without obtaining the permission of the DDA. In case of an area which is not a development area, the permission shall be obtained by the concerned local authority.

and pay the necessary fees (Section 13). The requirement to comply with the plan is laid in Section 14 of the Act, which states that after any of the plans in a zone comes into operation, “no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan”.¹⁰

While the Delhi Development Act does not create an institutional framework for plan implementation, the Draft Master Plan for Delhi-2041 (hereinafter, Draft MPD-2041 or the Plan) provides for a monitoring and implementation framework for the master plan. The chapter on the Monitoring Framework of the Draft MPD-2041 notes that the implementation of various policies under the plan shall be monitored continuously through Key Performance Indicators to measure the effectiveness of the plan, and a detailed review will be conducted every five years. It also proposes the creation of a Plan Monitoring and Review Unit within the DDA comprising an interdisciplinary team of professionals and an online citizen portal for providing information (Clause 21.6.).

The reality of built environment of Delhi reveals that much of the city operates outside the planned city. According to the Delhi Economic Survey 2008-09, only about 24% of the city lived in “planned colonies,” and the rest lived in various types of “informal” or “unplanned” settlements (Statement 14.4). Transposing geospatial maps and housing data to the three master plans of Delhi, Bhan (2013: 59) notes how “what is planned does not exist on the ground, what is on the ground does not exist on the plan”. But the master plan acts as a “bounding condition” in determining the spatial patterns of different kinds of settlements through the power to notify parts of the city within the development area and to “regularize” certain kinds of planning violations (Bhan 2013). Regularization makes a settlement legal, whereby property titles can be registered with the state on the payment of a one-time “conversion charge”. The regularization measures have been contested judicially, with the Delhi High Court restraining the government from regularizing any more unauthorized colonies and directing them to submit guidelines for the process of regularization (Sheikh and Banda 2014).

In the case of Bangalore, too, the experience of plan implementation from the previous master plans in Bangalore suggests that much of urban

development takes place in contravention of the planning regulations. Though there is limited conclusive data on the extent of planning violations in Bangalore, based on a random sample survey conducted by the BBMP in four of the 198 wards of BBMP, it was estimated that of the 1.67 million land sites in Bangalore, the BBMP had been able to collect tax for 1.38 million sites and the remaining (17.49 per cent) were considered to be unauthorized (Government of Karnataka 2016). However, some informal estimates by those in the government indicate that 50 per cent to 75 per cent of the built-up area of Bangalore have violated some planning norms (Sundaresan 2019: 4).

The Karnataka government has sought to regularize a set of unauthorized constructions and developments by passing the Karnataka Town and Country Planning Act and Certain Other Laws (Amendment) Act 2004, popularly known as the *Akrama Sakrama* scheme (which literally means “making the illegal, legal” in Kannada, the local official language of the state). It enables violations of setback norms, Floor Area Ratio (FAR) and land-use conversion to be legalized by paying a regularization fee. However, this scheme has not yet been implemented, as the Supreme Court of India has stayed its operation in a Public Interest Litigation challenging the constitutionality of the law (*The News Minute* 2017a). Such regularization schemes and measures carried out in Karnataka as well as Delhi are primarily beneficial to middle-class and lower-middle-class households that have violated planning regulations and do not legalize or protect slums and similar informal settlements. Hence, the urban poor and informal workers who live in such settlements are not given any property rights or security of tenure through regularization measures.

4. Master Plan for Delhi-2041 and Informal Livelihoods

While the legal framework of urban planning deals with questions regarding the systems and processes related to planning, it is also important to examine the components of the planning instrument that emerges from it. The nature of urban planning and nature and form of the plan have undergone much transformation over the years across the globe. However, in India, the master plan continues to be the fountainhead that determines and regulates urban development, at least formally. In such a land-use-based master plan regime, it is hard for the interests of informal

¹⁰ This is, however, followed by a proviso that says “it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force”.

workers to find any representation. While the legislative basis of planning has not changed much, with the master plan continuing to be primarily a land-use planning instrument, the contents of the plan document have expanded in recent years.

To understand how planning instruments like master plans regulate and impact informal workers, this section closely analyzes the provisions of the Draft Master Plan for Delhi-2041. It first discusses to what extent the provisions of the master plan consider issues of informal workers and how the development control norms regulate informal workers. It then examines how specific parts of the plan impact three groups of informal workers: street vendors, home-based workers, and waste pickers. While the contribution of the informal sector is acknowledged in various parts of the master plan, the development control norms put in some onerous restrictions on the functioning of the informal economy. The inclusion of some of the provisions that protect informal workers may be seen as the result of the prolonged engagement that coalitions like *Main Bhi Dilli*, which included WIEGO, carried out with the planning authorities in the preparation of the draft master plan (Majithia et al. 2021).

The Draft Master Plan for Delhi-2041 was published by the DDA on June 9, 2021, for comments and objections from the public. It was prepared by the DDA and the National Institute of Urban Affairs (NIUA), a research and policy think tank on urban issues that works under the aegis of the Government of India. The Draft MPD-2041 includes two volumes: Volume 1: Vision 2041 and Enabling Policy Framework and Volume 2: Spatial Development Strategy and Action Plan. While Volume 1 provides the broad vision, goals and objectives of MPD-2041 and lays out the policy on various sectors like environment, economy, transport, heritage, shelter and social infrastructure, Volume 2 provides the detailed Development Control Norms (DCN) and urban design guidelines for different types of developments and the Plan Monitoring and Evaluation Framework.

In Volume 1, the plan acknowledges or discusses the subject of informal economy and informal workers across various chapters. For example, early in the Draft MPD-2041, in a summary that lists the “Key features of MPD 2041”, under the objective of economy, one of the six features listed is “Support for unorganised economies including

waste workers, household industry, street vending, etc.” The recognition of unorganized economies as a key component of the economy and the specific listing of waste workers, household industry and street vending are an acknowledgement of the contribution of informal workers to the economy.

In the introductory part of Section 2 on the economy, the contribution of the informal economy to the overall economy of Delhi is clearly acknowledged.¹¹ It highlights that the informal sector is the “largest employer,” employing about 70 per cent of Delhi’s workforce, and notes the increase in female work participation in the sector. It states that “quality of workspaces and opportunities” for the informal sector should be improved and space for “public conveniences, individual and groupwork as well as childcare” should be provided. It also notes that state authorities shall “ensure upskilling of workforce” and “create better opportunities for the informal workforce for incremental absorption into emerging formal economies”. The acknowledgement of the informal sector as the largest employer and the need for improving the workspaces, public conveniences and opportunities is definitely welcome. However, these are mostly in the form of a general appeal to state authorities and are not specific policy prescriptions that are implementable.

Chapter 4 on “Places of Economic Production” states that the Master Plan provides an enabling environment to facilitate “a variety of work and workspace typologies so that opportunities are created for public at large” and provide “balanced economic growth by supporting both formal and informal economies (inclusive economy)”. The strategies for upgrading the places of economic production lists “Improved facilities for the informal sector” as one of the four strategies (Clause 4.1.2). However, unlike other sections that elaborate how each sector can be made economically productive, on supporting the informal sector it merely states: “The Plan provides adequate space norms and facilities for supporting informal economies.” There is no clear mention of spaces where the informal workers produce, operate, or sell, like streets, waste-sorting spaces and homes. Although the informal economy is referred to a few times, it seems that it is not envisioned or recognized as a key space of production.

A section of Chapter 4 dedicated to “informal economy” has a set of provisions on regulating the informal sector. It notes that “vending zones

¹¹ It notes that “Policies for economic development may be directed towards supporting small and micro enterprises and unorganized economies that provide employment, while ensuring migration towards cleaner, non-polluting economies.”

for accommodating informal sector units shall be provided by various plots/layouts” as per the provisions of the Development Control Norms (Clause 4.8.1). It also notes that “wherever feasible, clustering of informal activities shall be promoted and facilitated through appropriate infrastructure”. It further notes that street improvements shall incorporate “multi-utility zones” as per Street Design Regulations for accommodating informal activities and “vending and no vending zones shall be clearly demarcated in plans”. The section also notes that “all designated spaces for vending shall be provided with public conveniences (including separate toilets for men and women, changing rooms, childcare facilities) and solid waste disposal arrangements.” (Clause 4.8.1). The inclusion of such provisions on the informal economy in the section on economy is a sign of progress that master plans are now acknowledging the contribution of the informal economy to the city’s economic system.

Beyond such acknowledgement in Volume 1 of the Draft MPD-2041, which provides the broad vision and policy mandates of the plan, it is Volume 2 that contains the Development Control Norms that are the core instruments of planning. Land-use and Development Control Regulations have been the focus of traditional master planning exercises and continue to be the primary focus of planning under the Delhi Development Act, 1957. Chapter 22 on DCN notes that any “development, extension, change of use, new or existing, use conversion, site alteration, relocation, reconstruction and any building or other structure shall be governed by these norms”. The Draft MPD-2041 identifies 27 Use Zones in the Development Code that have been classified broadly in nine categories of Land Uses - “Residential, Commercial, Industrial, Recreational, Transportation, Utility, Government, Public and Semi-Public Facilities, and Green Belt and Water Body.” The DCN lists the various use premises and compatible activities that are allowed under each Use Zone (Clause 22.7). Understanding what activities are permitted in which use premises and zones is important for informal workers to carry on their work.¹²

Under the Draft MPD-2041, Informal Sector Unit is identified as a use premise category under commercial use. As per table 22.18, an Informal Sector Unit is defined as a “Retail/ service unit, stationary or mobile, working without roof

including small khokhas on roadside. Street vendor - A person who offers goods or services for sale to the public without having a permanent built up structure but with a temporary static structure or mobile stall (or head load).” This categorization of informal work as a use premise category for commercial use and the definition of an Informal Sector Unit are very restrictive. It is also strange that the definition of street vendor is provided within the definition of Informal Sector Unit. This might be a drafting error in which two definitions on related topics are inadvertently included under a single point.

Table 22.19 lists the various activities permitted in use premises in commercial areas, and informal sector units are allowed in all eight categories of commercial areas. However, instead of enabling informal units to carry out their work, the specific norms for an Informal Sector Unit are quite restrictive. Under Clause 22.20, the minimum plot size of an Informal Sector Unit is fixed at 1,000 sq./m, which all informal units may not meet. The number of informal sector units allowed in an area is based on the number of units of formal shops or employees. This does not seem to be founded on any principle and privileges the activities of the formal sector. The norms that specify minimum plot and maximum ground coverage size for Informal Sector Units add another layer of restrictions to the functioning of Informal Sector Units.

Hence, by categorizing Informal Sector Units as a use premise category only in commercial areas and providing further restrictions on their operation, the DCN is very restrictive in its scope. While the acknowledgement of the contribution of the informal sector in Volume 1 is positive, the regulations in Volume 2 put onerous restrictions on the functioning of the informal economy. How the plan considers the concerns of specific informal sector worker groups like street vendors, waste pickers, and home-based workers are discussed below.

4.1 Street Vendors

The concerns of street vendors emerge in various parts of the master plan, particularly in Chapter 4 on “Places of economic production”, Chapter 5 on “Managing public spaces better” and Chapter 11 on “Making Delhi walkable and cyclable”. In Chapter 4, the master plan promotes “Night Time Economies”, supporting the concept of a “24-hour city” with “continuing work, cultural activity and

¹² Table 22.4 lists the Use Premises and Activities Permitted for Residential Areas. Residential Areas are divided into six different use premises and the table lists 23 permitted activities, including mixed-use activities. However, the use premises of informal settlements like slums and JJ clusters are not listed here, which makes it unclear whether the home-based work is permitted in such dwellings.

entertainment at night to attract tourists and locals” (Clause 4.2.6).¹³ Although street vendors are usually key players in the night-time economy in the global urban experience (Ishak et al. 2012), they are not mentioned at all in this section. Though Chapter 5 of the plan promotes “public spaces”, especially “streets, public and private plazas/squares, parks and open spaces” as urban commons, it is not necessarily inclusive of informal workers as the “Activity programming” mentioned in it refers to public art and performances, activities not typically associated with street vendors.

Chapter 11 on “Making Delhi walkable and cyclable” discusses how street design can promote active travel. It states that streets shall be designed to ensure “equitable distribution of road space and safe mobility for users of all ages and abilities, prioritize barrier-free movement for pedestrians and cyclists, and provision of enabling infrastructure to create an ecosystem for active travel.”¹⁴ It also refers to the provision of “barrier-free and continuous NMT network infrastructure such as footpaths, cycling tracks, etc.” (Clause 11.2.3.1). While the prioritization of the pedestrian in the hierarchy of road users is appropriate, the emphasis on “barrier-free movement” for pedestrians could pose a threat to the ability of street vendors to carry out trade on footpaths. Though the plan discusses how conflicts among pedestrians, cyclists and motorized vehicles can be addressed, it does not speak about the possible challenge that “barrier-free movement” presents to street vendors.

The plan supports the “Earmarking of Multi-Utility Zones (MUZs) and placemaking to accommodate street vendors and kiosks, spaces for public art and other public activities to create active and aesthetically attractive spaces for street life and activity” (Clause 11.2.3.4). The designation of certain public spaces as Multi-Utility Zones is an innovative idea that could potentially liven up street spaces and give street vendors more opportunity to carry out their trade. However, the reference to creating “aesthetically attractive spaces for street life” may make such spaces exclusive and elite in a manner that will not help the existing street vendors’ community. The plan fails to make an inclusive approach in reserving or allocating vending space for street vendors. What is

most disturbing is that the norms for demarcating areas as vending and no vending zones are laid out in the Draft MPD-2041 without any reference to the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The plan also fails to mention the role of Town Vending Committees, established by the Street Vendors Act, in being the key decision-making body regarding the allocation of space for vending.

4.2. Waste Pickers

The concerns of waste pickers mostly figure in Chapter 14 on “Managing solid waste efficiently” but also partly in Chapter 4 on “Places of economic production”. Although Chapter 14 of the Draft MPD-2041 is focused on solid waste management, it fails to recognize or discuss the role that informal waste pickers play in waste management. It proposes a strategic framework for sustainable waste management systems and promotes the adoption of “circular economy principles”. Chapter 4 on “Places of economic production” also notes the relevance of “promoting clean economies” through “circular economy”, which includes the recycling and repair economy and recycled construction waste, etc. in the shift to a clean economy (Clause 4.2.1). While it is good to see the plan acknowledge the role of the circular economy in promoting clean economies, it does not highlight how the informal waste pickers play a critical role in this regard.

The Solid Waste Management Rules 2016 (SWM Rules 2016) clearly acknowledge the role that “waste pickers”¹⁵ and “informal waste collectors”¹⁶ play in decentralized waste management. However, no such recognition of informal waste pickers and collectors are provided in any part of the Draft MPD-2041. Beyond a broad reference to the need for implementing the SWM Rules 2016, there is no reference to the rules or any attempt to integrate it with the provisions of the Master Plan. Further, in Chapter 4 on “Places of economic production”, there is no reference to waste sorting spaces as places of economic production.

The plan also seeks to promote the creation of Minimum Waste Localities (MWL) and notes that “dry recyclable MSW generated in MWLs shall be sent to Material Recovery Facilities (MRF) or processing plants located within or in close

¹³ Chapter 5 on “Managing Public Spaces Better” again calls for the development of streets or areas such as cultural precincts that have a vibrant nightlife to be nodes of Nightlife Circuits.

¹⁴ It further states that existing streets shall be retrofitted to serve pedestrians and cyclists better and pedestrian footpaths shall be provided mandatorily in new development areas (Clause 11.2.2).

¹⁵ As persons informally engaged in collection and recovery of reusable and recyclable solid waste

¹⁶ As individuals involved in sorting, sale and purchase of recyclable materials

proximity to the locality” (Clause 14.2.3). The plan proposes “repurposing waste infrastructure” in such a way that “Dhalaos with sufficient capacity and space can be repurposed to serve as Material Recovery Facilities (MRFs) at local level, providing area for segregation of wastes and recovery of recyclables.” (Clause 14.2.5). It further notes that “Local waste pickers and ‘kabari valas’ may be engaged by local bodies or RWAs for developing MWLs and leveraging existing recycling networks for paper, glass, metal, and plastic.” The reference to how waste pickers and “kabari valas” may be engaged for creating MWLs is definitely positive. However, repurposing Dhalaos as MRFs without any acknowledgement or protection of informal waste pickers currently engaged in sorting of waste in Dhalaos may not address the concerns they face. If the plan had provided for MRFs to be managed by waste pickers, like in Bangalore Dry Waste Collection Centres, and allocated space for wet waste composting at the neighbourhood-level to waste pickers, the livelihood concerns of waste workers could have been better addressed.¹⁷

4.3. Home-Based Workers

The concerns of Home-Based Workers emerge in various parts of the plan, including Chapter 4 on the economy, Chapters 7 and 8 on shelter and social infrastructure and also in Volume 2 on the spatial development framework. One of the key new directions introduced in the plan is a shift from “mono-functional land use planning” to mixed-use development, which can potentially benefit home-based work. It promotes a built-space-based approach that allows mixing of land uses for the same parcel of land, including vertical mixing within buildings (Clause 1.3.4). Acknowledging the reality of dynamic and diverse use of land in the city can be potentially beneficial for home-based workers, who carry out their work from home.

In the section on industry in Chapter 4 on “Places of economic production”, household industries are mentioned, and a list of permitted household industries is given in the Annexure. Household industries are defined as “non polluting, non-obnoxious industrial unit allowed in all residential areas (except the ‘No Industrial Activity Zones’) with certain conditions” in the DCN. The DCN restricts the maximum number of workers in a household unit to nine and prohibits the

use of inflammable and hazardous substances (Clause 22.17.6). It further states the household industrial unit shall not occupy more than 50 per cent of floor area of the dwelling unit. The list of permitted activities for household industries include agarbatti and similar products, coir and jute products, assembly and repair of electronic goods and production of musical instruments and ornamental leather goods. Although the plan only discusses “household industry” and does not explicitly refer to self-employed or subcontracted home-based workers, many of the activities listed are those carried by such workers. Hence, granting permission to allow household industries to operate from residential premises is likely to benefit home-based workers.

The provision of adequate housing and social infrastructure facilities are important for home-based workers, most of whom live and work from various types of informal settlements. The Draft MPD makes limited references to the informality that characterizes housing in Delhi. Chapter 19 on “Urban Regeneration” acknowledges that unauthorized colonies, urban villages, slums and *Jhuggi Jhopdi* (JJ) clusters (informal housing units categorized as “encroachments” on public lands) have “emerged as high density, mix-use hubs, providing affordable options for housing, micro, small and medium enterprises” (Clause 19.9). This can be seen as partly an acknowledgement of how informal settlements are also places of economic production and informal work. To improve such informal settlements, the master plan proposes an “In Situ Slum Rehabilitation” (ISSR)¹⁸ scheme, which is quite narrow in its scope, as it does not provide for the regularization and upgradation of slums and JJ clusters, which is often where informal workers live. Upgrading and regularization would have ensured the improvement of basic services and given security of tenure. While regularization is available for unauthorized colonies, which are mostly occupied by lower-middle-class households, for slums and JJ clusters, where the poor live, only the ISSR model of rehabilitation is available (Bhan 2021).

¹⁷ “Livelihoods: Waste-Pickers” Factsheet 1, Main Bhi Dilli campaign. Available at https://www.mainbhidilli.com/_files/ugd/9be98c_e87c7e11545141baa38b25dd4279b4eb.pdf.

¹⁸ The ISSR proposes a public-private partnership model where the JJ cluster is rebuilt into vertical housing, which partly houses the residents and is partly monetized by the real estate developer. Although ISSR has been functioning since 2005, its track record is quite poor, with very few projects being carried out under it as most developers and residents find it unviable (Bhan 2021).

5. Urban Planning Practice and Informal Livelihoods: Cases from Bangalore

Along with questions around how the contents of an urban planning instrument like the master plan deals with concerns of informal workers, it is also important to consider how urban planning practices engage with the same. In this section I discuss two urban planning and design initiatives in Bangalore to understand how urban planning practice impacts informal livelihoods. The first case is the introduction of mixed-use zoning category for the old *Pete* (market/bazaar/downtown) region in Bangalore, an area with an active informal economy with many small commercial units and home-based workers. The second case that I examine is the Tender SURE road redevelopment initiative, which provides new design guidelines for roads that introduce pedestrian-friendly pavements and affect the street vendors' access to public space.

These two examples help us understand how planning in action can be inclusive or exclusive of the needs of informal workers. On the one hand, progressive planning measures like mixed-use zoning that benefit informal workers was eliminated when residents' groups from planned neighbourhoods judicially challenged the zoning category. On the other hand, new urbanism-inspired initiatives like Tender SURE fail to recognize the role of street vendors in the urban public space. Hence, informal workers cannot rely on such planning initiatives for pursuing their livelihoods.

5.1. Mixed-Use Zoning in Old Pete

Like most other Indian cities, Bangalore is characterized by a mix of multiple activities carried out in the same neighbourhood (Benjamin 2000). This is especially true for some of the older parts of the city, particularly the old *Pete* region, which was established in 1537 by Kempe Gowda III (Heitzman 2004). The *Pete* is located at the geographical centre of Bangalore and is bound by major roads on the original footprints of the historic fort wall. With a population of over 1 million people living in an area of 2.24 sq. km., the *Pete* is the largest informal economic space in Bangalore (Rajagopal 2015). The streets of the *Pete* have been used by the inhabitants both for conducting their work and also as their homes,

blurring the distinction between private and public space. Pete's mixed-use character is embedded in its long-established occupational structure, and the names of its various neighbourhoods are associated with traditional professions of its inhabitants. (Rajagopal 2015; Nair 2005).¹⁹

The informal economic systems in the *Pete* skirt formal legal planning regulations imposed on it by development authorities and continue to develop in an alternative way. The disparity between the zonal regulations and the physical reality of informal economic spaces like the *Pete* does not necessarily indicate a failure to enforce planning. Looking at such spaces from the point of view of legal pluralism (Merry 1988; Eckert 2004), they may be said to personify a hybrid and porous legal order in which rules operate in the realm of negotiation. Residents and traders offer rents in money or in kind in return for permissions for violating rules. To enable enforcement in their favour, the dwellers and small shopkeepers continually engage with the municipal authorities. Such a porous system where rules are appropriated through mutual adjustment and negotiation with state authorities leads to a cyclical perpetuation of this practice, where top-down planning exercises formulate regulations separately from any demands of the informal sector, and the informal sector uses its political networks to negotiate and barter with the formal legal systems, creating a system of "complicit enforcement" (Harriss-White 2004; Rajagopal 2015).

The diverse character and mixed use of space for regions like the *Pete* area were acknowledged in the Revised Master Plan 2015 for Bangalore. While the Comprehensive Development Plan 1995 provided for rigid zoning regulations, the Revised Master Plan 2015 was marked by a flexible approach towards land-use zoning. This master plan introduced the idea of mixed land-use zones as a zonal land-use category in Bangalore (Rajagopal 2015; Sundaresan 2019). Invoking the idea of transit-oriented development, compact city and sustainable city, the RMP proposed mixed land-use "based on the character of the identified regions" and to "balance the socio-economic needs". The mixed-use policy in fact just captured the ground reality, since the urban form in these spaces, unlike the stated classification of the land-use maps, displayed mixed use. While preparing the existing land-use maps, the planning exercise

¹⁹ Chikkapete is known for its textile trade, Tharagupete for grains, Balepete for musical instruments, Tigalarapete for flowers and Cubbonpete for textile manufacture. While the *Devanga* community had open internal courtyards and shared public open spaces for dyeing textile and *Ganigas* had large open spaces in front of their houses to press oil, "the live-work dwellings" of the *Marwadi* community are vertically layered, with the ground floor dedicated to commercial use, first floor to warehousing and upper floors for residential use (Rajagopal 2015).

revealed that the ground reality did not reflect the zonal categorization of the master plan in force, and hence they reclassified many streets carrying out commercial activities in a residential zone as mixed-use zones (Sundaresan 2019).

While some of the older localities like the ones in the *Pete* areas welcomed the idea of mixed-use zones, residents of newly-planned residential layouts such as Koramangala and Indiranagar fiercely protested this categorization (Krishnaswamy et al. 2017). A few civil society groups filed Public Interest Litigations (PILs), challenging RMP 2015 for allowing commercial use of residential areas through the land-use category “mixed residential”.²⁰ An expert committee appointed by the Court to review the master plan highlighted problems related to commercialization of residential areas. The committee report remarked a term “such as ‘Mixed Land Use Zone’ is a contradiction in terms because zoning under the law is a process of defining land for specific uses and purposes. Therefore, such terms should not figure in a Master Plan.” (Report of the Advisory Committee 2015: 2.11).

After consideration of the expert committee report, the High Court issued interim orders stating that areas marked as residential under CDP 1995 shall be restricted from redeveloping it for any other purpose irrespective of the nomenclature of “residential mixed”.²¹ The Court dismissed the Writ Petition after the BDA agreed to amend the master plan to ensure that commercial units do not operate in residential areas. The RMP 2015 was amended and notified by the State Government ensuring that no commercial activities were allowed in residential mixed zones if the road width is less than 40 feet (*Citizen Matters* 2014). The Court orders, which restricted mixed-use zoning, focused on these areas and were silent on how mixed-use zoning affects informal economic spaces in the *Pete*.

The PIL against mixed-use zoning was primarily concerned with the commercialization of upper- and middle-class neighbourhoods in Bangalore, and not localities in the *Pete* region. While the RMP 2015 had introduced the category of mixed land-use zoning for planned residential areas and traditional residential localities, the Draft RMP 2031 has dropped the category of mixed land use. This case study indicates that introduction of progressive planning measures like mixed-

use zoning that benefit the informal economy is complicated and likely to be contested. Although middle-class civil society groups were able to eliminate the mixed-use zoning category from the master plan through judicial intervention, it has not resulted in any major change in the mixed-use character of the *Pete*.

5.2. Tender SURE Road Design Initiative

Along with the formal urban planning process, access to public space in the city for informal workers, especially street vendors, is also influenced by urban design practices and projects. One of the most-discussed urban projects that have emerged in Bangalore over the last decade is the Tender SURE initiative. Tender SURE (Specifications for Urban Road Extension) is an urban road redevelopment project that seeks to upgrade roads in Bangalore to international standards. Tender SURE was conceptualized outside government, initially by the non-profit Bangalore City Connect Foundation, which completed a pilot on one road in 2009, and then spearheaded by the Jana Urban Space Foundation (JUSP), which drew a detailed urban road design manual in 2012. Tender SURE roads are developed based on a set of specifications that act as guidance for road construction or upgrading in a “complete streets approach” (Deb et al. 2020). What makes this initiative interesting for informal workers, like street vendors, is that it provides for new road designs that prioritize the pedestrian.

Since the most visible manifestation of the Tender SURE project is that the width of the pavements has increased substantially, in some cases overtaking the width of the carriageway, it is particularly relevant for street vendors. Pavements are the public spaces on which the livelihoods of street vendors are entirely dependent. Wide pavements that offer a lot of space for free movement of pedestrians as well as space for street vendors to put up their stalls and attract customers are vital for street vendors to carry out their business. So, intuitively, an urban design and road redevelopment project that is focused on increasing the width of the pavements should be beneficial for the interests of the street vendors. However, the reality of the situation is more complex.

Tender SURE mandates the integration of networked services under the road – water,

²⁰ *Citizens Action Forum v. State of Karnataka* (W.P. 3676/2008).

²¹ The interim order stated: “We direct that in the following areas of the city – Malleshwaram, Richmond Town, Vasanthnagar, Jayanagar, Vijayanagar, V.V. Puram, Rajajinagar, R.T Nagar, etc., – wherein purely residential use was permitted as per the CDP, no further permission shall be granted for redevelopment or reconstruction, except for residential use”.

sewage, power, optical fibre cables, gas, and storm water drains. Road development is complex as it involves various activities that are carried by different public authorities, who usually operate without any coordination among them. Tender SURE brought “public agencies together to collaborate on how to build or rebuild roads that are safe and cater to a variety of transport modes, including mass transit, autos, informal transit, cycling, and walking” (Deb et al. 2020: 23). It provides for the creation of pedestrian-friendly footpaths with utility ducts underneath and cycle lanes where feasible. Tender SURE adopts unique design guidelines where the pedestrians are given prime preference, followed by non-motorized transport, public transport and other motorized transport. The design guidelines also incorporate bicycle lanes, facilities for disabled pedestrians, bus bays, parking bays, hawker zones, along with required street fixtures and other intersection geometry improvements (Kabade et al. 2018).

While Tender SURE has won some international urban and road design awards (*Jana Urban Space* 2020), there also have been questions regarding the policy process, the cost efficacy and the ecological impact of the project. As per a report brought out by the World Bank, the project “demonstrates that a bottom-up approach within the system can influence integrated planning in a positive manner” and is a “good example of how private and civil sector participation in Bangalore has been key to delivering non-networked infrastructure” (Deb et al. 2020: 25). However, this very process of private players spearheading public urban design initiatives has been raised as a fundamental concern by various activists who question how the BBMP, Bangalore’s Municipal Corporation, was bypassed in the decision-making process (Ghosh 2016). BBMP council members questioned how the proposal was not placed before the BBMP Standing Committee for Major Works and remarked that it seems to overrule the Master Plan of 2015 (Bharadwaj and Ramani 2014). The need for carrying out such capital-intensive road redevelopment projects, which cost about 10 times the cost of building regular city roads, also has been questioned (Madappa 2015). Further, researchers have highlighted how the hard surfaces of the Tender SURE pavements hamper the natural growth of the trees and do not allow for groundwater recharge, as the rainwater runs off the surface instead of seeping down (Sheshadri and Pai 2016).

The urban design vision of Tender SURE offers a pecking order of who the streets are for: first the pedestrian, followed by the cyclist, then the public transport user and finally the motorist. Such a vision is based on various seemingly progressive ideas of public space emerging in “new urbanism” (Fulton 1996; Congress for the New Urbanism 2000). However, such a pedestrian-centric vision often excludes other uses of the street and does not recognize street vendors as active participants and contributors to the dynamic fabric of the streets. The Tender SURE project also falls within this worldview that does not recognize the centrality of street vendors in the urban public space. To its credit, the guidelines of the Tender SURE manual refer to the need for hawking zones on the pavements (Ramanatha 2021). However, the emphasis on street vendors is limited in the guidelines of Tender SURE and even more dubious in its implementation. In fact, the Commissioner of BBMP remarked in 2014 that street vendors will not be allowed to use the footpaths on roads built under the Tender SURE scheme (Sripad 2014). When members from a civil society group called “Campaign for People’s Participation in Urban Governance” approached the BBMP Commissioner on the issue of eviction of street vendors from Tender SURE roads, the commissioner remarked that the street vendors encroached the footpaths and were not leaving space for pedestrians: “There are around one crore people in the city and one lakh vendors. One crore should not suffer because of one lakh” (ibid).

Large-scale infrastructure projects like Tender SURE, which involve the complete redevelopment of streets and their pavements, offer many challenges for informal workers. Street vendors are often the first casualties of such projects, as the roads and pavements are dug up and inaccessible for an extended period of time. During this time, the street vendors are displaced from their usual space of operation and will find it difficult to find alternate spots nearby to conduct business or return to the same spot after many months when the redevelopment is complete (Rao 2015).²² With Tender SURE initiative earning a lot of national and global recognition, it is being extended beyond the Central Business District areas of Bangalore to other regions under the national government’s Smart Cities Mission, which involves intensive redevelopment of small pockets of the city (Anand et al. 2018). As the Tender SURE model of roads is extended by Bangalore Smart Cities Mission to the old *Pete* regions, the

²² In an interview with *The Guardian*, Gulab Chand, a paan seller who operated in one of the Tender SURE roads notes that wide pavements do not ensure pedestrian footfall, as his business has fallen from 3,000 rupees to 500 rupees per day. He remarked: “Do you see anyone walking here? ... My customers are simply going elsewhere, not walking to me.”

challenges it poses informal workers further increase, as such road redevelopment initiatives impact their ability to carry out trade.²³

6. Engaging Informal Workers in Urban Planning

The analysis of Delhi and Bangalore's planning laws, institutions and processes in the preceding sections reveals certain fundamental flaws with the planning process. Firstly, the authority responsible for planning is a bureaucratic agency with no local-level accountability to the elected municipal body. Secondly, the process for making the plan itself is exclusionary, as it does not provide for any meaningful avenues for public participation. Thirdly, the nature of the planning instruments is such that the master plan mostly does not translate into reality, and implementing it strictly might illegalize the claims of the various urban inhabitants over the city, especially the most marginalized sections of urban society. Hence, the present planning laws and instruments in India need to be viewed with an element of skepticism. In this context, engaging with such a planning system will not be straightforward for informal workers.

If we analyze the planning systems of Delhi and Bangalore from the perspective of Patrick McAuslan's (1980) three ideologies of planning law, we find that while the ideologies of Private Property and Public Interest play a role, the ideology of Public Participation has the least precedence in the planning law framework. To understand the extent to which the ideologies of private property and public interest dominate and contest with each other, a wider analysis of laws and case laws related to land acquisition and property laws is required. However, the two planning laws of Delhi and Bangalore clearly indicate that they do not provide for any participative or decentralized processes for preparing the master plan. These planning laws reveal that India has continued with a top-down, strict land-use-based master planning regime that even Britain, from which it derived its planning laws, has discontinued. For urban planning to be responsive to the needs of its inhabitants, particularly the urban poor and informal workers, India needs to fundamentally rethink the framework of its planning laws.

However, within the limitations of the present planning law regime, informal worker groups can engage with the planning process in various ways. In the case of Delhi, a coalition of organizations, activists, academics, and community groups, including the Focal City Delhi (FCD) team of WIEGO, came together through a campaign called *Main Bhi Dilli* to engage with the planning process. The campaign sought to initiate "a public discussion on what kind of city the people of Delhi want and how to make it more equitable, just and sustainable".²⁴ It aims to make the planning process more representative and accessible through wide-ranging public discussions with excluded groups, including the urban poor and informal worker groups (Sinha 2019). The campaign started engaging with the DDA and the NIUA in the planning process in 2018, during the plan preparation stage, and continued community engagement after the plan was published in June 2021.

In the initial two years, the campaign held public meetings to raise awareness of the planning process and built the capacity of people's organizations to engage with the plan. It first supported communities to articulate their needs, translated those needs to actionable demands and then took those demands to the planning authorities in the form of recommendations (Sinha and Narayan 2021). The campaign engaged in developing participatory design methodologies and created knowledge products based on grass-roots research. It developed 20 fact sheets and six technical reports on key issues and sectors connected with urban planning (Chauhan 2021). The FCD team led the writing of three of these technical reports – on enabling home-based work, integration of waste pickers in decentralized waste management and creating multipurpose community centres – and it contributed to the reports on enabling street vending and establishing migrant worker hostels (Sinha and Narayan 2021).

Once the draft plan was released, the *Main Bhi Dilli* campaign pushed for the timeline for filing objections to the plan to be extended, simplified the contents of the plan and disseminated it across various groups. The campaign worked with grass-roots-level leaders, who held close to 250 meetings with groups such as street vendors, waste pickers and home-based workers and

²³ A recent letter by the Chikpet Traders' Association and the Karnataka Hosiery and Garment Association to the Chief Minister of Karnataka remarked "While the public continues to be reluctant to step out for shopping owing to the pandemic situation, the dug-up roads in the area have added to our misery. With rains these days, the situation has worsened, causing inconvenience to shop owners, customers, and other stakeholders. This has affected the area which is a hub of over 20,000 traders." See also Bengaluru 2020.

²⁴ <https://www.mainbhidilli.com/>

facilitated the filing of nearly 25,000 objections on issues relating to livelihood, housing, and social infrastructure (Majithia et al. 2021). Small delegations of some of these groups went to the DDA office and staged a peaceful protest to raise the issues that they have been facing (Chhabra 2021). After initial resistance, the DDA officials formally received all the objections that were submitted (Majithia et al. 2021).

In the case of Bangalore, a coalition of civil society groups and individuals came together to challenge the plan and the planning process of Revised Master Plan 2031 in 2017. Environment Support Group, a leading environmental NGO in Bangalore, organized these discussions on the Master Plan, in which participants ranged from individuals who have worked with government to representatives of garments workers unions and slum collectives.²⁵ While there were multiple views that emerged in these meetings, an overwhelming sentiment was to counter the government's master plan with a civil society version of a "People's Plan". The participants highlighted how a citizen-centric planning exercise should be carried out at the neighborhood level, which should build on to the city-level plan. Some of the activist groups and collectives working with the urban poor and marginalized sections of the society also came out with a response to the RMP 2031 in a document titled "Social Justice and Urban Deprived Communities: A critique of the Bangalore Revised Master Plan 2031".²⁶ The report notes that planning processes like RMP 2031 exclude urban deprived communities and ignore their needs.

The approach of these groups and collectives to the master plan exercise indicates one way in which groups working with urban poor and the informal sector can engage with the planning process. As the Bangalore example suggests, while engaging with a planning process that is fundamentally flawed, informal worker organizations can challenge the legitimacy of planning institutions and processes as well as make suggestions on the same plan they question. Further, as the Delhi example shows, engagements with the urban planning process can be continuous with public agencies, even before the draft plan is published under the provisions of the law.

For urban planning to be inclusive of the needs of informal workers, participation by informal worker groups and collectives in the urban planning processes and decision-making regarding the

allocation of public space is necessary. As Chen et al. (2018: 51) note, "[i]f organizations of informal workers are involved in participatory policy-making processes, then the content of the policies is more likely to be appropriate and fair for them: more likely to balance the competing interests of the rich and poor, the formal and informal." This will require a change in the mindset of urban planners to recognize the need for diversity of economic activities and values in the urban informal economy.

To attend to the needs of different occupational groups of workers in the informal economy, new methodologies of planning need to be considered. In the case of home-based workers, it might be important to consider a place-based approach to planning that recognizes the specific nature of the informal economy that operates in the region. Instead of imposing exclusionary master plans, any effort to shape the future of informal economic spaces requires new methodologies that include a "series of mappings of the place as a first step, undertaken through primary and secondary surveys, interviews and first-hand observations" (Rajagopal 2015). This might require an experimentation with participatory planning methodologies in which rulemaking becomes "a process in which collective accountable communities or their representatives (re)negotiate rules with the state, rather than in opposition to it a terrain in flux and developing in defiance of the law" and the role of the urban planner to be "one who assumes a role that brings equity of resources among various groups that shape development in informal economies" (Rajagopal 2015).

Along with planning process, zoning categorization is also vital for informal workers' livelihoods. If plans adopt mixed-use rather than single-use zoning and recognize homes as also being places of work, it will help many people, especially women, who carry out various home-based activities (Narayan and Sinha 2021). As Nohn (2011) argues, since it may be hard to define which home-based production activities are non-hazardous and should thus be permitted, it might be useful to have self-regulation measures of home-based production and small-scale commercial activities. Instead of blanket regulations, it will be better to have a localized regulatory system in which the principle of subsidiarity may be applied to ensure that only the direct neighbours of a home-based producer can object to any undue nuisance (Nohn 2011).

²⁵ Personal Notes from participating in the meeting. February 18, 2017.

²⁶ Available at <https://www.scribd.com/document/369877559/Social-Justice-and-UDC-Critique-of-the-RMP-2031>

While zonal categorizations might be particularly relevant for home-based workers, for informal workers like street vendors and waste pickers, it is access to public space that is most important. For informal waste pickers, the plan can allocate space for sorting and segregation of waste for decentralized waste management, as per the 2016 Solid Waste Management Rules (Narayan et al. 2021). For street vendors to make better claim on urban space, more than the restrictive planning laws, they will need to rely on more progressive legislations like the Street Vendors (Protection of Livelihood and Regulating Street Vending) Act, 2014, which provide them better protection. In the urban planning processes, whether in the shape of a master plan or in urban design projects like Tender SURE, statutory authorities like the elected Town Vending Committee should play a key role in the allocation of vending zones and regulations regarding pavement use.

Given the realities of Indian urbanism, any top-down planning exercise that is focused on maintaining order and imposing strict regulations is likely to be ineffective. Presently, the multiple contestations, claims, and conflicts around territories tend to get ignored in a homogenizing and de-politicized narrative focused on imposing rigid planning norms upon the city. Urban planning cannot be solely based on some normative idea of how the ideal built form of a city should be, but must speak to the realities of how people live and work in real urban spaces, often operating in informality. Instead of the imposition of a positivist model of a planned city without looking at the possibilities of its operation, planning must emerge from an understanding of how the existing systems in the city work and how the views and interests of the various inhabitants and users of the city can be balanced.

References

- Adhvaryu, Bhargav. 2011. "The Ahmedabad Urban Development Plan-making Process: A Critical Review." *Planning, Practice & Research*, 26(2): 229–250.
- Adshead, Julie D. 2014. "Revisiting the Ideologies of Planning Law: Private Property, Public Interest and Public Participation in the Legal Framework of England and Wales." *International Journal of Law in the Built Environment*, 6(1/2): 174–193.
- Ahluwalia, Isher Judge. 2011. *Planning for Urban Development in India*. Indian Council for Research on International Economic Relations (ICRIER).
- Aijaz, Rumi. 2021. Delhi Master Plan 2021–41: *Towards a People's City?* ORF Occasional Paper, No. 305.
- Anand, Ashwathy, Ajai Sreevatsan, and Persis Taraporevala. 2018. *An Overview of the Smart Cities Mission in India*. Centre for Policy Research.
- Ansari, Jamal H. 1977. "Evolution of Town Planning Practice and System of Urban Government in India." *Urban and Rural Planning Thought*, 20(1): 9–23.
- Appadurai, Arjun. 2001. "Deep Democracy: Urban Governmentality and the Horizon of Politics." *Environment and Urbanization*, 13(2): 23–43.
- Benjamin, Solomon. 2000. "Governance, Economic Settings and Poverty in Bangalore." *Environment and Urbanization*, 12: 35.
- Benjamin, Solomon. 2008. "Occupancy Urbanism: Radicalizing Politics and Economy beyond Policy and Programs." *International Journal of Urban and Regional Research*, 32(3): 719–729.
- Berrisford, Stephen. 2011. "Why it is Difficult to Change Urban Planning Laws in African Countries." *Urban Forum*, 22(3).
- Berrisford, Stephen. 2014. *The Challenge of Urban Planning Law Reform in African Cities*. Cape Town: University of Cape Town Press.
- Berrisford, Stephen, and Patrick McAuslan. 2017. *Reforming Urban Laws in Africa: A Practical Guide*. African Centre for Cities, Cities Alliance, United Nations Human Settlements Programme (UN-Habitat) and Urban LandMark.
- Bhan, Gautam. 2013. "Planned Illegalities: Housing and the 'Failure' of Planning in Delhi: 1947–2010." *Economic and Political Weekly*, 15: 58–70.

- Bhan, Gautam. 2016. *In the Public's Interest: Evictions, Citizenship and Inequality in Contemporary Delhi*. New Delhi: Orient Blackswan.
- Bhan, Gautam. 2021. "Delhi Master Plan 2041: What will it really take to create a city without slums?" *Scroll*, 2021. Available at <https://scroll.in/article/1005713/delhi-master-plan-2041-what-will-it-reallytake-to-create-a-city-without-slums>.
- Bharadwaj, K.V. Aditya, and Chitra V. Ramani. 2014. "Tender SURE roads come under fire." *The Hindu* (November 5, 2014). Available at <https://www.thehindu.com/news/cities/bangalore/tender-sure-roads-come-under-fire/article6564628.ece>.
- Bhuwania, Anuj. 2017. *Courting the People: Public Interest Litigation in Post Emergency India*. Delhi: Cambridge University Press.
- Chatterjee, Partha. 2004. *The Politics of the Governed: Reflections on Popular Politics in most of the World*. New York: Columbia University Press.
- Chauhan Shalaka. 2021. "Making City Planning Democratic: Reflections from 'Main Bhi Dilli' Campaign." *Ideas for India* (October 29, 2021). Available at <https://www.ideasforindia.in/topics/urbanization/making-city-planningdemocratic-reflections-from-main-bhi-dilli-campaign.html>.
- Chen, Martha, Sally Roever, and Caroline Skinner. 2016. "Urban livelihoods: reframing theory and policy." *Environment and Urbanization*, 28(2): 331–342.
- Chen, Martha, Jenna Harvey, Caroline Wanjiku Kihato, and Caroline Skinner. 2018. *Inclusive Public Spaces for Informal Livelihoods: A Discussion Paper for Urban Planners and Policy Makers*. Manchester, UK: WIEGO.
- Chhabra, Ronak. 2021. "Delhi Master Plan: People's Collective Ensures Suggestions by Slum Residents, Informal Workers Submitted." *NewsClick* (August 20, 2021). Available at <https://www.newsclick.in/delhi-master-plan-peoples-collective-ensures-suggestions-slum-residents-informal-workers-submitted>.
- Citizen Matters*. 2014. "Citizens win PIL on reckless commercialisation in Bengaluru." (February 2014). Available at <http://bengaluru.citizenmatters.in/state-to-amend-land-use-rules-mixed-residential-bda-rmp-2015-caf-pil-6162>.
- Congress for the New Urbanism. 2000. "Charter of the New Urbanism." *Bulletin of Science, Technology & Society*, 20(4): 339–341.
- Datta, Partho. 2013. "How Modern Planning Came to Calcutta." *Planning Perspectives*, 28(1): 139–147.
- Deb, Amartya, Jaya Dhindaw, and Robin King. 2020. "Metropolitan Bangalore: Crossing Boundaries to Integrate Core and Periphery" in Shagun Mehrotra, Lincoln L. Lewis, Mariana Orloff, and Beth Olberding (eds) *Greater than Parts: A Metropolitan Opportunity*, Vol. II. Washington, DC: The World Bank.
- Doshi, Sapana, and Malini Ranganathan. 2017. "Contesting the Unethical City: Land Dispossession and Corruption Narratives in Urban India." *Annals of the American Association of Geographers*, 107(1): 183–199.
- Dupont, Véronique D.N. 2011. "The Dream of Delhi as a Global City." *International Journal of Urban and Regional Research*, 35(3): 533–554.
- Eckert, Julia. 2004. "Urban Governance and Emergent Forms of Legal Pluralism in Mumbai." *The Journal of Legal Pluralism and Unofficial Law*, 36(50): 29–60.
- Foster, Sheila R., and Christian Iaione. 2015. "The City as a Commons." *Yale Law and Policy Review*, 34: 281–349.
- Fulton, William. 1996. "The New Urbanism." Cambridge: Lincoln Institute of Land Policy.
- Ghertner, D. Asher. 2011. "Gentrifying the State, Gentrifying Participation: Elite Governance Programs in Delhi." *International Journal of Urban and Regional Research*, 35(3): 504–532.
- Ghertner, D. Asher. 2015. *Rule by Aesthetics: World-Class City Making in Delhi*, Delhi: Oxford University Press.
- Ghosh, Subir. 2016. "Tender was arbitrary, for SURE." *Bangalore Mirror*. (August 9, 2016). Available at <https://bangaloremirror.indiatimes.com/bangalore/cover-story/tender-was-arbitrary-for-sure/articleshow/53606090.cms>.

- Government of Karnataka. 2016. "Statement of Objections" in *Citizens Forum for Mangalore Development v. Government of Karnataka* (W.P.No. 8895/2015).
- Harriss-White, Barbara. 2004. "India's Informal Economy: Facing the 21st Century" in Kaushik Basu (ed.) *India's Emerging Economy*. New Delhi: Oxford University Press.
- Heitzman, James. 2004. *Network City: Planning the Information Society in Bangalore*. New Delhi: Oxford University Press.
- Idiculla, Mathew. 2020. "Unpacking Local Self-Government: The Uncertain Power of Cities in the Indian Constitution." *VRÜ Verfassung und Recht in Übersee*, 53(1): 30–50.
- Indian Express*. 2020. "Bengaluru: BBMP promises quick restoration of Avenue Road, nearby areas." (November 27, 2020). Available at <https://indianexpress.com/article/cities/bangalore/bengaluru-bbmp-promises-quick-restoration-of-avenue-road-nearby-areas-7068872/>.
- Ishak, Nor Khomar, Khursiah Abdul Aziz, and Amri Ahmad. 2012. "Dynamism of a Night Market." *Journal of Case Research in Business and Economics*, 4: 1.
- Jana Urban Space*. 2020. "The Story of Tender SURE" (November 23, 2020). <https://www.janausp.org/2020/11/23/tender-sure/>.
- Kabade, Basavaraj, K. T. Nagaraja, Swathi Ramanathan, A. Veeraragavan, and P. S. Reashma. 2018. "Improvement to Pedestrian Walkway Facilities to Enhance Pedestrian Safety-Initiatives in India." *International Journal of Transport and Vehicle Engineering*, 12(3): 289–295.
- Kaur, Nehmat. 2018. "Delhi, A History of Governance: A Look Back at the Legal Journey from 1858 to 2018." *The Leaflet*. (June 15, 2018). Available at <https://www.theleaflet.in/delhi-a-history-of-governance-a-look-back-at-the-legal-journey-from-1858-to-2018/>.
- Kidambi, Prashant. 2007. *The Making of an Indian Metropolis: Colonial Governance and Public Culture in Bombay, 1890–1920*. Hampshire: Ashgate Publishing, Ltd.
- Kihato, Michael. 2012. *Integrating Planning and Environmental Issues through the Law in South Africa: Learning from International Experience*. Diss. University of South Africa.
- Krishnankutty, Malini. 2018. "Fragmentary Planning and Spaces of Opportunity in Peri-Urban Mumbai." *Economic & Political Weekly*, 53(12): 68–75.
- Krishnaswamy, Sudhir, and Mathew Idiculla. 2018. *Who Should Plan for the City? A Briefing Note on the Constitutional and Legal Framework for Urban Planning in Bengaluru*, Bangalore: Centre for Law and Policy Research.
- Krishnaswamy, Sudhir, Champaka Rajagopal, and Mathew Idiculla. 2017. "Planning for the future of Bengaluru by learning from the past." *The Hindu* (March 4, 2017).
- Kumar, Ashok, Sanjeev Vidyarthi, and Poonam Prakash. 2020. *City Planning in India, 1947–2017*. New Delhi: Routledge.
- Madappa, Ganga. 2015. "Tender SURE roads: Protesters see problems with process, cost." *Citizen Matters* (June 4, 2015). Available at <https://bengaluru.citizenmatters.in/tender-sure-roads-protesters-see-problemswith-process-cost-7404>.
- Main Bhi Dilli. n.d. "Factsheet 1: Livelihoods: Waste-Pickers". Available at https://www.mainbhidilli.com/_files/ugd/9be98c_e87c7e11545141baa38b25dd4279b4eb.pdf.
- Majithia Avi, Shalini Sinha, and Malavika Narayan. 2021. "Building Back Better: Informal Workers Stake Their Claim for an Inclusive Delhi" at WIEGO Blog (September 20, 2021). Available at <https://www.wiego.org/blog/building-back-better-informal-workers-stake-their-claim-inclusive-delhi>.
- McAuslan, Patrick. 1980. *The Ideologies of Planning Law*. London: Pergamon Press.
- McAuslan, Patrick. 2001. "The Best Laid Schemes o' Mice an' Men: The Diaspora of Town and Country Planning Law in Africa and Asia." *Comparative Law in Global Perspective*, 199–223.
- McAuslan, Patrick. 2011. "Urban Planning Law in Liberia: The Case for a Transformational Approach." *Urban Forum*, 22(3): 283–297.

- Menezes, Naveen. 2021. "BDA to prepare fresh master plan for Bengaluru." *Bangalore Mirror* (January 22, 2021). Available at <https://bangaloremirror.indiatimes.com/bangalore/cover-story/past-imperfect-futuredense/articleshow/80396898.cms>.
- Merry, Sally Engle. 1988. "Legal Pluralism." *Law & Society Review*, 22: 869.
- Nair, Janaki. 2005. *The Promise of the Metropolis: Bangalore's Twentieth Century*. New Delhi: Oxford University Press.
- Narayan, Malavika, and Shalini Sinha. 2021. "Delhi's 2041 master plan is an opportunity to make the city more inclusive for informal workers", *Scroll* (March 3, 2021). Available at <https://scroll.in/article/987947/delhis-2041-master-plan-is-an-opportunity-to-make-the-city-more-inclusive-for-informal-workers>.
- Narayan, Malavika, Shalini Sinha, and Avi Singh Majithia. 2021. "Delhi Master Plan 2041: How can planners create a worker-friendly city?", *Scroll* (September 23, 2021). Available at <https://scroll.in/article/1005715/delhi-master-plan-2041-how-can-planners-create-a-worker-friendly-city>.
- Nohn, Matthias. 2011. *Mixed-Use Zoning and Home-Based Production in India*. WIEGO Technical Brief (Urban Policies) No. 3. Manchester: WIEGO.
- Pellissery, Sony, Anirudh Chakradhar, Deepa Iyer, Mounik Lahiri, Navyasree Ram, Neha Mallick, Niraj Kumar, and Pratik Harish. 2016. "Regulation in Crony Capitalist State: The Case of Planning Laws in Bangalore." *Der öffentliche Sektor (The Public Sector): planning, land, and property: framing spatial politics in another age of austerity*, 42(1): 110.
- Pethe, Abhay, Ramakrishna Nallathiga, Sahil Gandhi, and Vaidehi Tandel. 2014. "Re-thinking Urban Planning in India: Learning from the wedge between the *de jure* and *de facto* development in Mumbai." *Cities*, 39: 120–132.
- Rajagopal, Champaka. 2015. "Reciprocity as Regulation. Exploring Methodologies in Urban Design for the Informal Economy of the Historic Pete, Bengaluru, India" in Elisabetta Basile, Barbara Harriss-White, and Christine Lutringer (eds) *Mapping India's Capitalism: Old and New Regions*. Basingstoke: Palgrave Macmillan.
- Ramanatha, Swati. 2021. *Tender SURE (Specifications for Urban Road Extension) Guidelines*, Volume 1. Jana Urban Space Foundation. Available at <https://www.janausp.org/wp-content/uploads/2021/02/tendersure-vol1.pdf>.
- Ranganathan, Malini. 2018. "Rule by Difference: Empire, Liberalism, and the Legacies of Urban 'Improvement'." *Environment and Planning A: Economy and Space*, 50(7): 1386–1406.
- Rao, Kavitha. 2015. "Could a new pavement design give walking culture a foothold in Bangalore?", *The Guardian* (July 15, 2015). Available at <https://www.theguardian.com/cities/2015/jul/15/bangalore-new-pavement-road-design-walkable-traffic-pedestrian>.
- "Report of the Advisory Committee on the 'Draft Revised Master Plan-2015' of the Bangalore Development Authority, 2015." Available at [https://data.opencity.in/dataset/thomas-committee-report-on-bda-revised-master-plan-rmp/resource/pss-thomas-committee-report-on-bda-revised-master-plan-\(rmp\)---2015](https://data.opencity.in/dataset/thomas-committee-report-on-bda-revised-master-plan-rmp/resource/pss-thomas-committee-report-on-bda-revised-master-plan-(rmp)---2015).
- Roy, Ananya. 2009. "Why India Cannot Plan its Cities: Informality, Insurgence and the Idiom of Urbanization," *Planning Theory*, 8(1): 76–87.
- Sharan, Awadhendra. 2011. "From Source to Sink: 'Official' and 'Improved' Water in Delhi, 1868–1956." *The Indian Economic & Social History Review*, 48(3): 425–462.
- Sheikh, Shahana, and Subhadra Banda. 2014. *The Thin Line between Legitimate and Illegal: Regularising Unauthorised Colonies in Delhi*. New Delhi: Centre for Policy Research.
- Sheshadri, R., and Jahnvi G. Pai. 2016. *The Environmental Impact of Tender SURE Project*. Available at https://data-opencity.sgp1.cdn.digitaloceanspaces.com/Documents/Recent/Environmental_Impacts_of_Tendersure.pdf.
- Sinha, Shalini. 2019. "'I, Too, am Delhi': People's Campaign Calls for Inclusion in Indian Capital's Master Plan." WIEGO Blog (October 29, 2019). Available at <https://www.wiego.org/blog/i-too-am-delhi-peoples-campaign-calls-inclusion-indian-capitals-master-plan>.

Sinha, Shalini, and Malavika Narayan. 2021. "The Road to Recovery: How a Citizens' Collective in Delhi is Engaging City Planning to Address the Needs of Informal Workers." WIEGO Blog (February 15, 2021). Available at <https://www.wiego.org/blog/road-recovery-how-citizens-collective-delhi-engaging-city-planning-address-needs-informal>.

Skinner, Caroline, and Vanessa Watson. 2020. "The Informal Economy in Urban Africa: Challenging Planning Theory and Praxis" in Martha Chen and Françoise Carré (eds.) *The Informal Economy Revisited*. New York: Routledge.

Spodek, Howard. 2013. "City Planning in India under British Rule." *Economic and Political Weekly*, 47(4): 53–61.

Sripad, Ashwini M. 2014. "Street Vendors Prohibited from Using Footpaths on Tender SURE Road", *The New Indian Express* (December 22, 2014). Available at <https://www.newindianexpress.com/cities/bengaluru/2014/dec/22/Street-Vendors-Prohibited-from-Using-Footpaths-on-Tender-SURERoads-697041.html>.

Stokes, Robert. 2012. "Defining the Ideology of Public Participation: Democracy, Devolution, Deliberation, Dispute Resolution and a New System for Identifying Public Participation in Planning Law." *Macquarie Journal of International and Comparative Environmental Law*, 8(2): 1–20.

Sundaresan, Jayaraj. 2019. "Urban Planning in Vernacular Governance: Land Use Planning and Violations in Bangalore, India." *Progress in Planning*, 127: 1–23.

The Economic Times. 2021. "DDA to set up board of enquiry to consider objections, suggestions on Master Plan of Delhi 2041." (September 14, 2021). Available at <https://economictimes.indiatimes.com/news/india/dda-to-set-up-board-of-enquiry-to-consider-objectionssuggestions-on-master-plan-of-delhi-2041/articleshow/86204235.cms>.

The Hindu. 2017. "Karnataka government restrained from approving 2031 master plan." (October 17, 2017). Available at <https://www.thehindu.com/news/cities/bangalore/karnataka-government-restrained-from-approving-2031-master-plan/article19873421.ece>.

The News Minute. 2017a. "Big blow to K'taka govt: SC stays Akrama Sakrama scheme." (January 13, 2017). Available at <https://www.thenewsminute.com/article/big-blow-ktaka-govt-sc-stays-akrama-sakrama-scheme-55679>.

The News Minute. 2017b. "Bengaluru citizens reject BDA's Master Plan 2031, call it 'unconstitutional'." (January 29, 2017). Available at <https://www.thenewsminute.com/article/bengaluru-citizens-reject-bda-smaster-plan-2031-call-it-unconstitutional-56454>.

The Times of India. "Citizens dub Bangalore Development Authority's consultation meetings on Comprehensive Development Plan 2031 'a sham'." (January 23, 2017). Available at <http://timesofindia.indiatimes.com/city/bengaluru/citizens-dub-bdas-consultationmeetings-on-cdp-2031-a-sham/articleshowprint/56722371.cms>.

Watson, Vanessa. 2011. "Changing Planning Law in Africa: An Introduction to the Issue." *Urban Forum*, 22(3).

Wekwete, Kadmiel H. 1995. "Planning Law in Sub-Saharan Africa: A Focus on the Experiences in Southern and Eastern Africa." *Habitat International*, 19(1): 13–28.

Zartaloudis, Thanos. 2017. *Land Law and Urban Policy in Context: Essays on the Contributions of Patrick McAuslan*. London: Routledge.



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