Planning as Commoning: Transformation of a Bangalore Lake

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The transformation of human settlements over time can affect the relationship between communities and commons when, for example, social geographies change from rural to urban, or from traditional systems of management to modern bureaucratic systems. Communities that were dependent on particular commons could become less dependent, or abandon those commons. New communities of interest might emerge. Examining the transformation of a lake in Bangalore, this paper argues that in the community struggle towards creating and claiming commons, claiming the sphere of planning is fundamental. Further, the making or unmaking of the commons involves the making or unmaking of communities and vice versa. In the case of the Rajapalaya Lake studied here, this occurred and occurs at the interface where democratic struggles and bureaucratic systems meet.

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> Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit – in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons.
> –Hardin 1968:1244

> Commons are not won over from the state. Entitlements perhaps, not commons. Commons are produced by the people who define their own relations in sharing resources.
> –De Angelis 2005: 51

In his much-quoted essay, "Tragedy of Commons" and later works,[1] Garrett Hardin argued that commons should be controlled by an all-powerful state, or enclosed and privatised to save it from the "tragedy" of depletion (Feeny et al 1990; Hardin 1968; Ostrom et al 2002; Ostrom 1990). A large body of work that emerged in the last two decades challenged this framework and argued that such a cynical view emerges out of a narrow paradigm of self-interested human beings (Dietz et al 2002; Kennedy 2003; Ostrom 1990; Ostrom et al 2002). With examples from many parts of the world, the latter authors showed how individuals self-organise and cooperate beyond narrow self-interest to sustain commons. These authors argue that successful governance of commons can involve state, community, private and various other kinds of actors, varied property rights regimes, access and management rules, based on "historic, ecological and cultural situations" (Ostrom et al 2002: 393). There is no one panacea; neither the state nor the privatisation model is a necessary or sufficient condition for the sustenance of the commons. Yet "tragedy" does not have to be the default outcome. It is important to recognise context-based institutional frameworks and definitions.

The debate on commons has been dominated by insights from empirical studies on common property resources like water, marine fishes, forests, etc. However, a conceptual understanding of the commons is emerging, beyond the historic specificity of the term with reference to properties held in collective ownership. Commons are understood as shared resources on which social life – market systems, knowledge, legal frameworks – depends (De Angelis 2005; De Marcellus 2003; Hess 2008; Harvey 2011; Laerhoven and Ostrom 2007). For instance, Ostrom et al (2002: 18), note that: "Commons is used in everyday language to refer to a diversity of resources or facilities as well as to property institutions that involve some aspect of joint ownership or access".

Or as De Angelis (2005: 7) notes, "Commons are forms of direct access to social wealth; access that is not mediated by competitive market relations".

Here, I wish to build upon the relationship between the commons and the community. The sustenance of the commons depends on the presence and actions – production, monitoring,

regulating access, etc – of a community of interest. A community is formed around and dependent on the availability and accessibility to its commons or even struggle towards it. As De Angelis notes, "commons and communities are two sides of the same coin" (2005: 10). In this paper, I use the idea of community as a social group that associates itself around concern for the common. An associational community in that sense may identify the commons that sustains it (in the case of neighbourhood groups) or may be formed around the struggle towards the commons (in the case of network communities).

Commons are also spaces of conflict (Vira 2002; Goldman 1998). The communities of interest may overlap, exist at different scales, may be spatially contiguous or contained, mutually conflicting or cooperating. What may be commons for one community may not be for another. One community may relate differently to the same commons compared to another. Due to ideological, emotional or utilitarian reasons, individuals within the community may cooperate or clash over the rules governing the commons. Individuals may be part of different commons and hence communities at the same time. So commons and communities have a political relationship.

The transformation of human settlement over time can affect the relationship between communities and commons. The impact of this could affect both, for example, when social geographies change from rural to urban or from traditional systems of management to modern bureaucratic systems. Communities who were dependent on particular commons could become less dependent on them, or could abandon them. New communities might emerge identifying the commons in a fresh light. This paper examines the struggle over a changing lake in Bangalore, and attempts to show the transformation in the relationship between communities, commons and their governance.

The Urban Commons and Lakes in Bangalore

Urban life is characterised by intense sharing of various kinds of resources that support individual and communal capacities – mobility systems, public spaces, networks of infrastructure and services, urban topography, knowledge, history and heritage, rules of behaviour, etc. The differential capabilities, needs and expectations of individuals and communities about these public infrastructures make this sharing intensely political. Supporting urban life may also require production and sustenance of new forms of commons, for example, parks, open spaces, roads, public libraries, drainage networks, etc. Urban public infrastructures are urban commons that need to be produced and reproduced through re-imagination and mutual engagement. Casualties caused by the deficit of such public infrastructures characterise urban life in India today – traffic congestion, flooding, declining health, accidents, heat islands, disappearance of heritage and artefacts of collective memory, water crisis, social exclusions, etc.

Lakes in Bangalore exemplify the problem of commons in transformation – from village to urban commons and the complex institutional problems involved in governance. Rajapalaya Lake, in the middle of the wealthy KM Pura neighbourhood, derives its name from the adjacent Rajapalaya village.[2] Tracing its transformation from an irrigation tank to land in disuse, and potentially to a future lake, reveals the politics of urban land transformation, conflicting claims and institutional politics in governance. More importantly for this paper, it shows the relationship between the commons, community and the role of planning in practice.[3]

The human settlements ecology in Bangalore, as many studies (Nagendra 2010; Gowda and Sridhara 2007) note, is integrally related to its hydrological profile, i e, its drainage valleys and the topography. Hundreds of lakes dotted the regional geography of Bangalore once, of which only a small number survive now.[4] Initially many of these tanks were built to irrigate surrounding farmlands and as source of water for adjacent villages. Many lakes in the Bangalore region were thus integrally linked to the village settlements next to them; some are even named after the villages. These lakes, varying in area from less than an acre to hundreds of acres, are intricately linked through man-made drainage canals with the three natural valleys of Bangalore (D'Souza 2006; D'Souza and Nagendra 2011; Gowda and Sridhara 2007; Nagendra 2010; Sudhira et al 2007).

Lakes in Bangalore, hence, can be understood as commons not only at a local level, but also at a regional scale, for example, as a shared resource on which the regional drainage system or the city's microclimate depend. These lakes have an important role to play in the social and community life of neighbourhoods, as well as the ecological life of the region. Located within the regional drainage system, every lake was integrally connected to its inlet and outlet, catchment area, edges, sociocultural and ritualistic elements and associated village settlements.

Many studies note that the lake system in Bangalore has been damaged seriously in recent decades and that this has had an impact on the urban socio-ecology (D'Souza 2006; D'Souza and Nagendra 2011; Gowda and Sridhara 2007; Nagendra 2010; Sudhira et al 2007). Rapid urbanisation and fragmented institutional management are identified as causes by these authors. Due to rapid urbanisation, it is argued, the lakes have either been filled up both by private landowners and the government organisations that are their custodians, or encroached upon by developers. Both government and private entities have built housing layouts,[5] bus stands, commercial complexes and offices, public halls, markets and so on, in the process reclaiming the lakes. The discourse on rapid urbanisation also highlights carrying capacity and suggests that the city's rate of growth exceeded its infrastructure capability. For example, lakes are being used for the disposal of untreated and partially treated sewage due to lack of network capacity.

The institutional critique points to the inadequacies marking the transition from village community systems of management, to pan-Bangalore bureaucratic systems of administration. Traditionally, certain groups from the community had the role of managing and maintaining the lakes at any particular locality, with accompanying rights, privileges and duties.[6] After the formation of Karnataka state, progressively, a number of government organisations got implicated in the management of lakes, including the Minor Irrigation Department, Karnataka Pollution Control Board, Forest Department, Bhruhat Bangalore Mahanagara Palike (BBMP), Bangalore Development Authority (BDA), Department of Revenue, Lake Development Authority and

so on.[7] These institutions did not have any coherent policies on lake governance.

While these critiques are helpful as broad representations, this paper telescopes in on a particular case study to examine a much more fundamental aspect of the problem of transforming lakes, i e, how various actors engage with this transformation.

One Lake, Many Wants

Many residential blocks of KM Pura housing layout were developed by the acquisition of hundreds of acres of agricultural land from Rameshaiah in 1963 by the then City Improvement Trust Board (CITB, now BDA, after the BDA Act of 1976).[8] Until then, Rajapalaya Tank was as an irrigation tank for surrounding agricultural lands. The villagers used to work for Rameshaiah's family as agricultural labourers.[9] The lake not only acted as a water source for Rajapalaya village and Rameshaiah's agricultural lands, but was also integral to the socio-economic, political and cultural life of the people. For example, on the banks of the lake were the village's sacred groves (known as *gunduthoppu*), the *ashwatkatte,* where village panchayats were held under the banyan tree in front of their gods, and the *achkat* areas (agricultural areas irrigated by the tanks) where villagers used to farm, sustain cattle and fishing.

It can be argued that the communities of concern of Rajapalaya Tank were the villagers, and Rameshaiah's family, who was the Jodidhar (tax collector from pre-Karnataka state days) of the village. Given the complex sociopolitical dynamics that characterise Indian villages, the particular modalities that enabled the sustenance of the tank should be the subject of a deeper historic ethnography. Nonetheless, one can reasonably argue that sustenance of the tank was fundamental to these socio-economic interests.

The acquisition of the agricultural land by the BDA not only transformed the livelihoods of Rameshaiah and Rajapalaya village, but also the relationship between them. Most people living in the village now work in the informal service sectors as informal traders, household helpers, gardeners, construction labour, drivers and so on. These include long-term village residents and some newcomers. It can be argued that with the tank becoming marginal to the economic life of the community, the community of concern of Rajapalaya Tank has vanished. The same actors, who were the communities of concern for this tank, now have a very different relationship with it.

While some villagers claim that the tank is an integral part of Rajapalaya village,[10] Rameshaiah claimed that it was his ancestral property. The government, however, maintained that it has always been government property. Currently the tank is a site for waste dumping and is infested with poisonous snakes and sewage. About 15 families live in eight feet by ten feet pucca cement-block single-room structures scattered on the lakebed.

The long legal battle between Rameshaiah and the Karnataka state government for the ownership of these 18 acres of land ended in 2010 when the Supreme Court declared the land government property. Two separate yet connected litigations need to be understood in this case. The first litigation concerns the tank, and the second concerns the adjacent land that the villagers claim was part of the village gunduthoppu or sacred groves. According to the judgment on the tank,[11] Rameshaiah could not prove beyond doubt that this was his ancestral property. Even though one of the documents presented as evidence by Rameshaiah during the trial mentions the word "private" along with the name of the tank, the judge ruled that it was insufficient to prove ownership of the land. The judgment noted that this could have been a case of a private party building and maintaining a tank for irrigation purposes on government land – a practice prevalent during that time. The government lawyer argued that the land was always government property and so was never acquired. The Supreme Court ruled that building or maintaining a tank does not give the right of ownership to the land, and that any land that is not private belongs to the government.

The second litigation concerned the land along the lake edge. Rameshaiah argued that the CITB had promised that this land would be re-conveyed to him as compensation for the land he lost for KM Pura. In his high court petition, Rameshaiah argued that he should be given a possession certificate for this land based on the promise made by CITB. The judgment noted that in the 1974 layout plan for KM Pura approved by the CITB, this particular land was "shown (as) separately reserved for re-conveyance".[12] However, the BDA, which took over planning responsibilities from the CITB in 1976, did not give effect to this promise. Based on a series of high court judgments delivered around that time, BDA argued that, "land acquired for a (the) development scheme could not be returned or re-conveyed to the owner, and that it must be applied for the purpose for which it was acquired" (ibid). The high court and subsequently, the Supreme Court upheld this view.

The Village, the Lake and the Land

The single-room houses on the lakebed have no access to any municipal services – toilets, electricity, water, waste disposal facilities, or property numbers. Public authorities consider them illegal encroachments. Kannamma, who is one of the residents, argued that she had been living there for the past 28 years and that all the houses on the lakebed were built around the same time.[13] According to her, most of the people living in the lakebed were connected to the Rajapalaya village, and they shifted to the lake bed due to lack of space in the village.

Rajapalaya village is trapped within KM Pura layout. When asked if they had built the houses themselves, Kannama said that a Raju, who was the right-hand man of a developer to whom Rameshaiah sold this land many years ago, had built them. She argued that she did not remember seeing any water in the lake, even though many other accounts from my interviews contradicted this view. The variety of discourses about the properties of this tank also point to the politics of differential claims.

Velamma, who claimed that her late husband worked as the watchman for the developer, said that most people living in the lake now were from different parts of rural Tamil Nadu. She claimed that she was paid regularly by the developer's office. "Usually Raju comes here and pays me occasionally, but now for long time, he had not been around here".[14]

When Velamma learned that the property now belonged to the government, she went to the developer's office to enquire about

her future. The developer asked her to wait for some more time and paid her some money. Her relatives also advised her to stay longer, so that she did not miss out on any benefits that might come forth.

An experienced real estate agent working in the neighbourhood (who claimed that he could identify the status of a property just by looking at it) argued that someone who wanted to stop land acquisition could have built the cement blockhouses because the law forbids the acquisition of lands with pucca houses on them. To prove his point, he pointed to the way the houses were scattered across survey numbers and were not clustered together in any one area.

Velu acts as a leader, representing the interests of the people living on the lakebed. He claims that the residents themselves had built these houses due to lack of space in the village. He argued that the tank always belonged to the village and that this was an opportunity for the government to develop a housing project for the villagers on the lakebed. The poor villagers, working as construction workers, housemaids, gardeners, drivers, etc, within the posh KM Pura neighbourhood could not afford to live in the area otherwise. He said: [15]

> In the 1990s, using our political connections, we managed to get some land for housing at the lake edge through an Ashraya Yojana scheme. When we tried to settle in the allotted survey numbers, Rameshaiah threatened us with a court case, and then he started farming in the lake, arguing that it was his farmland. So we withdrew.[16]

This, it seems, resulted in conflict between Rameshaiah and some villagers. This conflict continues in many ways till today. Later, it appears that Rameshaiah tried to stall most developmental works for the village, including roads, drains, and tube well, etc, on the road along the lake edge, arguing that it was his land. Due to this, Velu claimed that they stopped Rameshaiah and the developer from building a large commercial complex and an apartment block on the lakebed.

Narratives from the group claiming the land for the villagers reflected a complex relationship with the developer and Rameshaiah. Some people presented the developer as benevolent because he provided them with the houses while some others presented him as an obstacle to their cause and as a party to the collusion that damaged village lands. Similarly, respect towards Rameshaiah came through during many discussions. For instance, someone working closely with the villagers told me that they are actually scared of Rameshaiah and some of the villagers frequently corrected my language to address him respectfully as "Rameshappa". On the other hand, they also held him responsible along with the state and the developer for their alienation from the village properties. For example, villagers claimed that many rituals are still performed underneath one of the banyan trees on the banks of the lake. That is where their gods were relocated when the KM Pura layout developed.

Youngsters sitting around a well and playing cards were very upset that their drinking water well near the lake was damaged due to sewage contamination.[17] A couple of young men claimed that their gunduthoppu land was acquired by the government and divided amongst the government officials, and added that "since they are dividing land among themselves, why not give us (the villagers) some parts of the lake, now that this is a government property". They were referring to the allocation of the gunduthoppu land for a housing society for ex-members of legislative assembly (MLAs) by the BDA. The young men pointed out that even though laws existed to protect 100 metres of land around villages in Bangalore (for instance, on Gramthana lands in the Karnataka Land Revenue Act 1964), the government did not bother much about these laws. They pointed to the town housing scheme next to the lake as also part of the village land, and stated that Rameshaiah sold it to a developer who built posh housing on top of the *raj kalve* (main canal) that brought water into the lake.

These young men also presented accounts of their connection with the tank and village lands to make a case for their claim on the land. The tank, as an entity, it seems was not any more useful than as land for housing.[18] It is worth noting that the villagers' need for space is entirely legitimate. During the development of urban layouts in Bangalore, the planning and development authorities paid little attention to the needs of the villages, like in Rajapalaya village, trapping them within housing layouts. For example, a Kannada-medium primary school in Rajapalaya village is less than 300 square feet – much less than a one bedroom apartment.

The village, of course, was not a homogeneous community. Examining the power relations and the representational politics of that heterogeneity, for instance the politics of caste dynamics, is unfortunately not within the scope of this paper. What I want to illustrate here is the relationship between the current status of the tank and the changed sociopolitical relationship between the local actors to whom the tank was important.

Planning, Government and Urban Commons

As the main legal institutional practice that mediates almost every transformation in urban space, planning practice through its land use regulatory regime controls the production, consumption, sustenance and transformation of private, commons and public property in Bangalore. Karnataka state legislated the Karnataka Town and Country Planning (KTCP) Act,[19] which gave the state government statutory planning powers. Subsequently the planning process that developed in Bangalore consisted of two types of instruments, presented in the form of a master plan. Regulatory instruments like a land-use zoning map controlled land-use change, density, typology and building form; forward planning instruments like infrastructure and housing layouts were built by the BDA through acquisition of farmlands using the Land Acquisition Act.

Planning practice in Bangalore has been instrumental in transforming communal geographies fundamentally. In the case of KM Pura, when the planning department acquired the agricultural lands, they paid little attention to the then existing socio-economic-ecological geography and in its place developed housing layouts for people yet to come. Aimed at the production and reproduction of healthy and educated urban labour for the industrialising city, these layouts accommodated housing, shopping complexes, stadiums, hospitals, schools, public halls, markets, bus stands, parks and playgrounds and so on. In other words, to quote a planner's terminology: "live, work and play".[20]

The new group of people that moved into these housing layouts did not consider the Rajapalaya Lake and probably the many other lakes in KM Pura as their commons. For instance, one of the interviewees, a resident in the locality, reported that she had a neighbour whose main job was to collect building waste from the neighbourhoods of KM Pura and dump it into the lake. She also mentioned that one of her friends had bought a property in the part of the lake that is divided up into housing plots with thick granite slabs. The posh town housing project adjacent to the lake sits on one of the raj kalve, the drainage canals that bring water into the lake. According to the surveyor's report submitted by the Karnataka government to the High Court of Karnataka in the Rameshaiah case, this rich middle class housing colony has encroached into the lake.

Property documents for this project show that this project had even received a "conversion of land use" from the revenue department in consultation with the urban development department, allowing for change of land use from farm or revenue to land that could be developed. There are parking lots, front yards, lawns, playschool grounds, and so on over most parts of the main drainage canal. One interviewee said that he was pressured by his neighbours to build over the drainage canal, so that theirs did not look like an encroachment. Many interviewees argued that they encroached and built over the canal because it was in a state of disuse. Others argued that the local ward engineers were taken into confidence most of the time and sometimes were even present during the construction.

In the final judgment on the landownership litigation on the tank, the judge noted that:[21]

> Government properties are spread all over the entire state and it is not always possible for the government to protect or safeguard its properties from encroachments. Many a time, its own officers who are expected to protect its properties and maintain proper records, either due to negligence or collusion creates entities in records to help private parties, to lay claim of ownership against the government. Any loss of government property is ultimately the loss to the community.

Public Interest and Privatisation Cultures

This then raises questions on who these collusive government servants are, how they operate and which community will benefit if the lake is saved?

While this litigation was in court, on 12 July 2005, the principal secretary of urban development, based on the then chief minister's order, issued a letter to the BDA commissioner asking that the gunduthoppu land "be re-conveyed to Sri Rameshaiah". The BDA declined to do so. It informed the principal secretary that their rules did not permit them and that the directions issued by the chief minister were contrary to the law; third party rights had set in and therefore these directions were not capable of being implemented.[22] The Supreme Court held that the BDA was correct, and that the directions issued by the chief minister were contrary to the law. The government later tried again by issuing a de-notification order on the same land, which was later hastily withdrawn with the realisation that de-notification could not withstand the scrutiny of law.

Rajapalaya Tank was robustly built, with inlet and outlet canals, and an earthen embankment or bund (mainly on the outlet) that helped to retain water inside the tank. The Supreme Court order noted that the BDA breached the tank as part of a malaria eradication programme to stop mosquitoes breeding. Many villagers believe that this was also done to help the developer and Rameshaiah. They showed how the outlet valve was broken, and where the inlets were blocked and water diverted to another tank. For the Bangalore Water Supply and Sewerage Board, which has the responsibility of managing the sewage system in Bangalore, it was convenient that waste water and sewage from the neighbouring blocks of KM Pura and the posh town housing cluster flowed into the lake. The mosquitoes returned.

Even though the 1985 and 1995 master plans prepared by the BDA classified the tank as a red zone that denotes public and semi-public land use, it was ambiguous about its land-use zoning as wetland. Later, the 2005 master plan categorised it within residential land use. The gunduthoppu land had already been allocated in 1985-86 for an ex-legislator's housing society.

So even though the government and the BDA, through a very extended and complex litigation process, managed to claim ownership of the lake and its environs as a public property, it was eventually for conversion into private property. Being classified as public hence does not seem to automatically ensure the production and sustenance of the urban commons in Bangalore; it appears, rather, to be a means for privatisation. The political, technocratic and administrative ensemble of the planning system seems to be interested in converting public land into private property. Planning's "public interest", if understood as the interests of the public authority, seem to lie in converting ecological commons into private property – land for the villagers through Ashraya Yojana, land for legislators through special allocation, and the rest classified in residential land use, such that the government or Rameshaiah, whoever wins the case, could privatise it.

Many of my interviewees who worked in connection with the 2005-15 master plan preparation process remembered how impossible it was to reserve the lakes, wetlands and valley zones in Bangalore as no-development zones. They confessed that the colour of the zoning map kept on changing time and again as if in a magic show. Many interviewees said that finally, they gave up and later those in charge of finalising the master plan made all the changes they wanted behind closed doors.

In the name of protecting the lakes, many lakes in Bangalore were handed over to private bidders during the last decade for management, a policy that the Karnataka government has now rolled back due to criticism from many quarters, including the high court. A recent judgment by the Supreme Court of India critiques such privatisation cultures:[23]

> In many states Government orders have been issued by the State Government permitting allotment of Gram Sabha land to private persons and commercial enterprises on payment of some money. In our opinion all such Government orders are illegal, and should be ignored.

So should we understand the idea of public interest based on the interests of the public authority? Many studies remind us to look at the state and government as a collection of institutional actors embedded in the politics and culture of the context, and not necessarily acting in any cohesive manner towards any

common purpose. For example, various studies on the workings of the Indian state have been particularly instructive on why policies are transformed out of recognition during implementation (Kaviraj 1999), how the micro-politics of the local transform the imagined macro characteristics of the state (Corbridge 2005), how the "privatised state" and "shadow state" operate in the place of any ideal democratic state (Harris-White 2004), and how boundaries between state and society are blurred, and how they can be understood as entities embedded in each other (Fuller and Benei 2001; Gupta and Sharma 2006). The role of planning in the transformation of Rajapalaya Tank exemplifies how planning practice operates when embedded in such a governance culture.

Constitution of a Community and Reinvention of Commons

After the transition from a village economy to the urban socio-economic geography, it can be argued that the Rajapalaya Tank ceased to be a commons, because the local communities of concern ceased to exist. The irrigation communities disappeared; the governance and planning systems that were to take care of city-wide ecological commons were characterised by privatising networks. The new residents who populated the neighbourhood had very little in common when it came to the affairs of the tank. In this section, I will show how a community of concern emerged around the lake following struggles to produce an urban commons.

Even though the primary purpose of the lake changed from being an irrigation tank, its location within the topography and regional drainage system of Bangalore remained. Many parts of Bangalore, particularly KM Pura faced severe floods in the early parts of the last decade. Today, a couple of hours of rain can arrest normal life in Bangalore. Its killer drains have developed a reputation for sucking in people to their death during flooding.[24]

KM Pura had local neighbourhood activism for decades in the forms of local neighbourhood collectives, recently as organised Resident Welfare Associations (RWAS), and more recently – as I call them – "planning collaboratives". A local activist said to me that a small number of residents in KM Pura were active on issues related to parks, trees, and so on for a long time. However, it was not until their neighbourhood flooded that a number of them got together – even met for the first time – and looked at what was happening around them. These residents took notice of the encroachments, the blocked drainage systems, the filled-up lakes, the large number of buildings that were violating land-use and building regulations, as well as un-built roads, drains, side-walks and so on. Some of them realised that their own housing was built on top of wetland. They found out that the planning system was more interested in making layouts out of existing open spaces, approving planning permissions violating the laws, and busy making plans that suited the communities of interest within the planning system. They found that their neighbourhood had grown too fast, too big while all of them were busy putting together their lives.

Even though they knew each other as neighbours and had exchanged smiles, my interviewees said that it was not until they faced such problems, that they really sat together and had a

serious conversation. Some of them decided to start an email group to share information; they took photographs and shared how their neighbourhood looked like – street dogs, violations and encroachments, new projects, night activity in parks, tree cutting, etc. Others wrote to the local authority; some of them started writing in newspapers and set up blogs; yet others started pressurising the local authority to get a road done, a drain done, a tree planted or a tree saved.

Some used their personal networks to discuss these matters with local, regional and national politicians; others organised awareness programmes like lake cleaning, others got documents from the authorities using the Right to Information (RTI) Act. They networked among themselves and others using blogs, email groups, and regular meetings in the neighbourhoods. They networked with other groups to learn more about other neighbourhoods, and with non-governmental organisations (NGOs) for information, support and contacts. When they started doing all this, they encountered the state, governance and planning systems, of which they have been distant spectators for long time, at close quarters. As one activist puts it:[25]

> we started with issues immediate to us – getting a drain built, a road tarred, trees planted etc…. But soon we realised, even if we get a drain built in our neighbourhood, what is the use? Flooding is also caused due to the problems elsewhere. We realised we have to engage with larger issues as well if we wanted to sort out our local issues. So we started working on land-use violations, master plan and various other aspects of urban governance in Bangalore.

A large number of these resident activists were from middle and upper middle-class backgrounds, some retired, some working from home, and some who could afford to spend time on these issues. With their time, resources and education, they tried to grasp the complex mechanisms of urban governance. They studied the KTCP Act, the Land Revenue Act, the BDA Act, the BBMP Act, the master plan process, the public administration protocols, what kind of documents exist and how to get them, how to approach local and higher officials, how to write official letters to the government, and so on. They organised among themselves special teams responsible for lake, waste, roads, violations, parks, etc. They used their social capital – golf and professional networks, personal and club friends, etc – to obtain information, enable access, and raise resources. Their online forums became a platform for information exchange and critical debates on city planning, urban governance, as much as learning about each other. They worked through the legal system with public interest litigation (PIL) and political networks to get a park in place, violations removed, and the master plan re-examined. They networked politically to get inside information, identify and work with conscientious public servants; they explored ways to work together for matters of public concern. This was not a very homogeneous group as other studies on the urban middle class in Bangalore have also pointed out (Kamath and Vijayabaskar 2009). It had its conflicts and fundamental disagreements and split-ups; it grouped and regrouped for matters of common concern.

These residents learnt how the governmental technologies of administrative bureaucracy worked, its constituent parts, what influenced its speed, how and who it was run by and for whom,

how to move it and so on. They learned the language and processes of public administration and the legal system along with the vernacular and legislative process of urban politics. They learned how local engineers, politicians, MLAs, commissioners, planners, secretaries and ministers were involved in the planning and governance of their neighbourhood and the city. They learned who was important at which level of governance. Whenever they encountered the complex and thick network of democratic governance, they helped each other navigate this network.

There were setbacks. For instance, one of the PILs some of them were involved in resulted in parts of their own houses being demolished by the authority. It also attracted the wrath of their neighbours and forced them to withdraw from the litigation. But this made these residents reflect on their own naive understanding of politics and governance in Bangalore. On another occasion regarding a park, residents realised that a high court judgment was not even the beginning of the solution for a problem and that instead they need to be more hands-on. A community of concern was forming among people who were initially planning abstract housing layouts. Along with this community was forming an understanding of governance, notions of public interest, along with a geography of surveillance and a commons.

Middle-Class Community?

This collective decided to get closely involved and observe the Rajapalaya Tank ownership litigation in the Supreme Court. As one of the members said, "this was a parentless baby. So when we were asked if we could take it up as a client (by a lawyer who was a main local activist on this case), we readily agreed." They appealed to become a third party in the case during the litigation; the Court denied their appeal, but their lawyer was allowed to sit as an observer. In the process, they found out that a small number of government officers, frustrated by privatising governance networks, were interested in saving the lake. They connected with these government officers, and worked as an informal team to save the lake. With this network's contacts in Delhi, they found out that the case was coming up for final hearing at the Supreme Court, and that the government lawyers were not representing the case strongly. They found out that the legal department of BDA was under-resourced, and probably also under "pressure" to relax. They worked with concerned officials from various departments of government to put pressure on the BDA and other "relaxing" agencies within the government.

Lawyers in this network took the lead in putting together a case file and organising a private lawyer to fight this case in the Supreme Court on behalf of the government. A variety of such interventions led to the judgment that helped restore public ownership of the lake.

From previous experience, this informal network knew that a court order was only a document in the case of Bangalore, and that it did not ensure anything. They had to work more directly, especially since the land was classified as residential in the 2015 master plan. Armed with a previous court order that instructed the government to reserve all available open space in KM Pura,[26] they worked towards restoring it. Drawing on various studies,

they argued that restoring the lake was important for the socio-ecology of the neighbourhood and for the ecological stability of Bangalore. Using their social and political capital, they managed to get the commissioner of the BDA and politicians to visit and commit to the project and instruct officials accordingly. The activists managed to get the BDA commissioner to commit to reversing the land-use category in the master plan from residential to lake; they publicised this commitment widely with the help of blogs and newspapers. They organised as a technical team, which included ecologists and landscape architects and met frequently to develop a concept plan for lake restoration. This concept plan was handed over to the decision-makers.

After accepting their concept plan, the BBMP awarded the preparation of a detailed project report (DPR) through a tendering process to a non-Bangalore based private consulting firm. The group accepted that they had to work with the administrative-bureaucratic processes of governance, but kept a close eye on developments. For example, even after they had meetings with the consultant and government engineers to communicate their concerns, they found that the final DPR submitted by the consultant had completely ignored them. The DPR document even got the survey details of the lake incorrect. They raised this issue with the authorities, and argued that the DPR adopted a grossly inappropriate approach towards the restoration of the lake.

Even though this was primarily a movement led by middle-class residents from the KM Pura layouts, diverse perspectives about the nature of public space and the commons were visible. A variety of motivations could be identified through interviews and closer engagement with this loose collective. For some old residents of KM Pura, it was about nostalgia, while to others it was about rule of law. Those living closer to the lake were concerned more about solutions to functional aspects like flooding and mosquitoes and snakes. A number of them came with an ecological perspective about wetlands, while to others, it was about open space and the quality of life in their neighbourhood. To some, it was also about public activism to make planning and governance in Bangalore work; some used this as an opportunity to gain political popularity. The problem of the lake, it can be seen, is a domain of multiple vectors.

I want to suggest that it is important to move beyond understanding these struggles only as middle-class environmentalism (Arabindoo 2005; Baviskar 2003), or increasing exchange value of the properties. Indeed, it is more likely that the commons thus produced in Bangalore will have the shape of the communities involved. But if more communities engage with this process of commoning, there is greater likelihood that the commons will take the shape of the interface. The process of this struggle towards the production of commons also increases the interaction between different social groups within the complex social geography of the neighbourhood.

In the words of one of the leading members from the collective:[27]

Where we are right now is with a new set of challenges – these ones are very different from the ones we have ever faced. The way we looked at it till now is, "us" versus "them". "Us" means the community and them being the government/land mafia, BDA, etc. So the contours

of that challenge can be straightforward – it is legal on one side, pressures and lobbying on the other side, and so on. So where the situation right now is an admission by the government – yes, we will do a lake. Now comes the fundamental concept of participatory democracy or community participation – whatever you want to call it – that it is not an individual or a group of individuals who can decide what this will be like. It has to be now inclusive, especially now that you are taking about the water body. A water body by definition is classically for the people by the people kind of thing – it is not any one individual's domain.

For instance, while some individuals did not want the villagers to use the lake to wash buffaloes, others reminded them that this was a village lake and they could not and should not exclude such activities.

The member of the collective continued:

The wealthy are blocking out uncomfortable images… and unwanted things and letting only the disinfected view into your world… I don't believe that is the way to go about it … A water body by definition – first of all government property – not an individual property – it has to understand the definition of community. There have been many cases of water bodies where people have been excluded. And a lot of people on this board are very aware of that… this is an urban lake… there is a limit to biodiversity, however to me definition of biodiversity with cattle has to coexist.

While this research was being conducted, these activists were trying to reach out to the people in the village and bridge the gap, argue among themselves about the nature of the water body and so on. Some members recognised that there was a social divide in KM Pura between the middle class residents and the villagers on the expectations from the tank. One member said:[28]

It is difficult for us to reach out without some kind of suspicion being involved – and even if we have to reach out, we don't know whom to reach out to. …There is a divide – it is a societal divide. A lot of KM Pura's drivers and maids will be staying there. But when you come into the social space – the peon is equivalent to you – he has his rights – by being a citizen-constitutionally. So we are trying now with the help of someone who works closely with the villagers.

Conclusions: Planning as Commoning

The lake restoration has not commenced so far nor has the DPR been approved. Even the politics of community formation around the tank may still be in the making, considering the complex sociopolitical geographies of a neighbourhood like KM Pura. Nevertheless, what I wanted to illustrate was that the struggle towards commoning becomes very important in defining the commons and in the formation of communities of interest.

I have argued that the making or unmaking of the commons involves the making or unmaking of communities and vice versa. In the case of Rajapalaya Lake, this occurred and occurs at the interface of democratic-bureaucratic interaction. Both the unmaking and the making of Rajapalaya Lake as an urban commons occurred at the interface between the making and unmaking of communities, their political networks, associative capital and the governmental technologies of administrative bureaucracy.

I showed that a new community of concern emerged from the abstract housing layouts that planning practice formed. It included faraway residents, and many people inside government. This community consisted of those who identified the value of the lake as local open space, its importance for the regional ecology of Bangalore, and the problems of governance. As De Angelis notes, "commons acquire many forms, and they often emerge out of struggles against their negation" (2005: 7). It was when this community of concern demanded it as an urban commons that the production of a lake began to take shape.

The process of struggle towards the production of the commons can also be seen as influencing community formation. This community operated as an informal network and included a wide range of actors from inside and outside government and local geography. While the planning process in Bangalore acted in the interests of the network of actors from inside and outside government to privatise the lake, these communities of concern also worked with their political networks, associative capital and the governmental technologies of administrative bureaucracy – the planning and legal system – to restore it as a lake. Their mode of operation was claiming the sphere of planning – right from involvement in property litigation, master plan zoning, producing urban design concept plans, invoking arguments on quality and quantity of open space, close surveillance and engagement with the political and administrative mechanisms of urban space production.

I want to suggest that we should move beyond frameworks that separate government actors from the non-government ones or locals from non-locals to help us understand the processes that have led and may lead to the making or unmaking of the urban commons in Bangalore. I also want to suggest that the very possibility of producing commons in this case has been through claiming the public sphere of urban governance – the identification that planning is "commoning". Claiming the commons involves claiming planning.

As Harvey notes, "the right to the city is not merely a right of access to what already exists, but a right to change it …. [to]… remake ourselves by creating a qualitatively different kind of urban sociality" (2003:939). I want to suggest that "the right to the city" is the right to the sphere of governance. Planning is the sphere of this commoning and also the sphere of the politics of commoning. Planning practice, as a political, administrative and bureaucratic medium of urban space production and reproduction is an important instrument through which urban commons get produced and reproduced. Since urban commons are integrally linked to urban communities of use, planning cannot produce commons without links to communities of concern.

Planning in Bangalore should be conceived beyond abstract state practice. Planning practice represents the interests of the networks that inhabit the sphere of governance. It was one of the main domains of populist and patronage politics in Bangalore and the main medium that damaged its urban commons. In discovering planning as the public sphere for political negotiation, different communities could claim planning to produce and reproduce their commons. It is important to recognise that planning practice does not automatically operate as a welfare producing, technocratic enterprise of the state capable of achieving any common good and public interest; instead, it is a socially constructed sphere governing urban space production.

NOTES

1 Hardin's paper was concerned with the problem of population growth in a world of finite resources.

2 Place names and names of individuals are changed in this paper to protect identities.

3 The term "planning practice" is used here to refer to the way the planning system is performed in reality.

4 Nagendra (2010) notes that there are about 210 lakes located within the administrative boundary of greater Bangalore and Gowda and Sridhara (2007) note 262 lakes within the Bangalore metropolitan region.

5 The term "layout" is used to refer to the development authority-created residential schemes/areas in Bangalore, or more generally, to urban space as produced through the development authority-led mechanism of urban space planning.

6 See D'Souza and Nagendra (2011: 842) for a discussion of this.

7 While the minor irrigation department took care of the lakes used for irrigation, the BDA and BBMP developed and managed the so-called urban lakes. The Lake Development Authority was formed by the government in 2005 as a society without executive powers to take care of lakes in Karnataka. In addition, the forest department developed some lakes and handed them over to the BBMP or BDA. The department of revenue owns the land in which lakes are located. See D'Souza and Nagendra (2011) for a detailed discussion.

8 While the CITB notification dates to 1963, the acquisition occurred in 1965. See Supreme Court (2005), Civil Appeal 971 of 2003, New Delhi. More details at: http://courtnic.nic.in/supremecourt/temp/ac%2097103p.txt. Also see Supreme Court (2008), Civil Appeal 1588-1589 of 2008, New Delhi. Available at: http://courtnic.nic.in/supremecourt/temp/ac%201588-158908p.txt Note that all judgments cited here can also be accessed with relevant case numbers from http://judis.nic.in/supremecourt/chejudis.asp

9 These interviews were conducted during numerous visits to Rajapalaya Tank during June, July and August 2010 as part of a 14-month long fieldwork for the author's PhD on "Urban Planning and Land Use Change in Bangalore". More than 20 people were interviewed in and around the village and the tank. This number included those residing on the tank bed, in the village and those living along the road between the village and the tank. Sometimes, these interviews were one-to-one, but many were group discussions. These interviews also included continued conversations with a smaller number of people who led the villagers land movement over these three months. Even though a number of them claimed that their previous generations worked in agriculture, the village now houses a number of migrant labourers as well. Other interviews in this paper with residents of KM Pura, government officials, NGOs and neighbourhood groups have been conducted during various periods between 2008 and 2010.

10 Some village elders described to me the geographic coordinates of the village based on old trees and said that the land including the lake on one side of an Almyra tree was village land and the other side was Rameshaiah's. Based on discussion with Rajappa (name disguised), 19 July 2010.

11 Supreme Court (2010), Civil Appeal 1588-1589 of 2008, New Delhi. Available at: http://courtnic.nic.in/supremecourt/temp/ac%201588-158908p.txt

12 See Supreme Court (2005), Civil Appeal 971 of 2003, New Delhi. More details at: http://courtnic.nic.in/supremecourt/temp/ac%2097103p.txt

13 Interview, 19 July 2010.

14 Interview, 26 June 2010.

15 From interviews with Velu Swamy and Bangarappa (both names disguised) conducted on 26 June 2010 at Rajapalaya village.

16 Property ownership details contained in right tenancy cultivation (RTC) documents (form numbers 1091068380 – 87) confirm this claim. These documents were obtained through an RTI application from the office of the deputy commissioner revenue, Bangalore, and reproduced on 13 August 2010.

17 Discussions with villagers, 18 June 2010, Rajapalaya Tank.

18 Changes in the relationship between lakes and the adjacent villagers have also been noted in other studies on Bangalore lakes. See, for example, D'Souza and Nagendra (2011: 847).

19 KTCP Act, 1961. Accessed in August 2010: http://www.lawsofindia.org/statelaw/2343/TheKarnatakaTownandCountryPlanningAct1961.html

20 "Live, work and play" in much of the planning literature attempts to represent the move away from single-use zoning towards mixed-use planning. A senior planner from Bangalore Metropolitan Development Authority used these terms during an interview in June 2009, to describe the way planning practice in Bangalore had always sought to produce vibrant communities through the development authority-led urban layout planning. He was describing how such an agenda has now been expanded in Bangalore to create vibrant mixed-use neighbourhoods using private participation.

21 See note 11.

22 See note 12.

23 Supreme Court (2011), *Jagpal Singh and Others versus State of Punjab and Others*, Civil Appeal 1132/2011 (Special Leave Petition (c) 3109/2011), New Delhi.

24 A couple of people lose their lives every year due to the flooding drains. In 2009, even the body of a young child who drowned to death in the drains of Bangalore could not be found (*The Hindu* Staff Reporter 2011). Also see Deepika (2011) and Bangalore Bureau (2011).

25 Interview with Rai (name disguised), February 2009.

26 High Court of Karnataka (2001), Writ Appeal 5252/1997 and 6171/1997, Bangalore.

27 Various interviews with a Kumar (name disguised), between June and August 2010.

28 Interview with Nair (name disguised), August 2010.

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