



“The City is History”: New Indian Urbanism and the Terrain of the Law

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The fantasies that have been generated by the current Indian preoccupation with ‘smart cities’¹ (e.g. “100 Smart Cities” 2014; “Smart City in India” 2014) compel us to ‘think historically’, to recover insights about the future that is generated by the patterns of the past.² Does the experience of the recent past contain the promise of a newly fashioned urbanism? With what success have visions of urban change taken root, or warnings about unplanned growth been heeded in the past? Such contemplation on emerging Indian urban forms (i.e. that which is *yet to be*) based on historical knowledge of the city of Bengaluru, and on the fate of such dreams worldwide, steers clear of the perils of ‘prediction’.³ Rather the attempt here is to trace, via judicial discourse in particular, what urban visions are being brought into existence.

My argument proceeds in three parts: the first provides a schematic history of Bangalore’s urban form as it correlates to the city’s socio-economic development. The second focuses on the terrain of the law, to discuss the controversies around, and legal/political challenges to, the Bangalore Mysore Infrastructure Corridor (henceforth BMIC) under construction by Nandi Infrastructure Corridor Enterprises (henceforth NICE). The final section brings these two parts together to reflect on emerging Indian urbanisms, by reading these (largely legal) debates for the signs of a new historical stage, which may render the ‘city,’ both as an existing materiality, and as an object of historical research, a thing of the past.



The Past in Bangalore/Bengaluru's Urban Form

The career of the name – from Bengaluru to Bangalore and since 2007 to Bengaluru – signifies the important historical transformations of a city whose 'founding moment' is traced to the sixteenth century, being re-inscribed as a British military cantonment in the nineteenth century, and returning to its pre-colonial name as a consequence of linguistic politics in the twentieth century. The concern of this paper is, however, with the transformations in the "logic of the form" of Bengaluru.⁴ From its early origins as a mercantile town, an entrepot on two important trade routes in the peninsula (Annaswamy 2003), Bengaluru thickened into an emporium (along with Srirangapatna and Mysore) for manufactures and raw materials for at least two centuries (Gupta 1994), and became a recognisable centre of production, particularly of textiles and armaments, by the late eighteenth century, the time of Tipu Sultan (1782-99). By this time, the city was a bounded, tear-drop shaped space which was encircled by walls and ditches, and fortified on the southern edge, replete with temples, mosques and dargahs (Fig. 1).

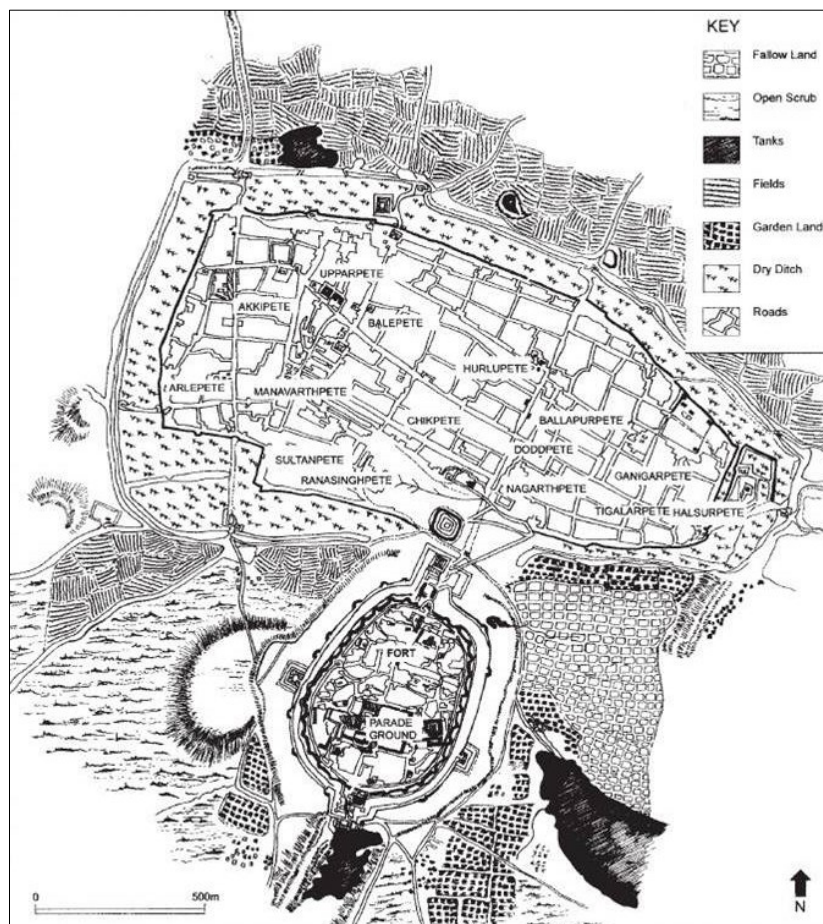


Fig. 1: Map of Bangalore, c. 1791⁵



It was an urban form linked closely to the tanks, market gardens and temples, the latter two within and beyond its walls (Srinivas 2004: 38-44). It's 'legibility' was enhanced by marked spaces for castes/occupations, although in a rich mixture in which the functions of buying and selling goods, storing, weaving, manufacturing, and residing overlapped. Some of these uses of space in the old city continue to the present day.

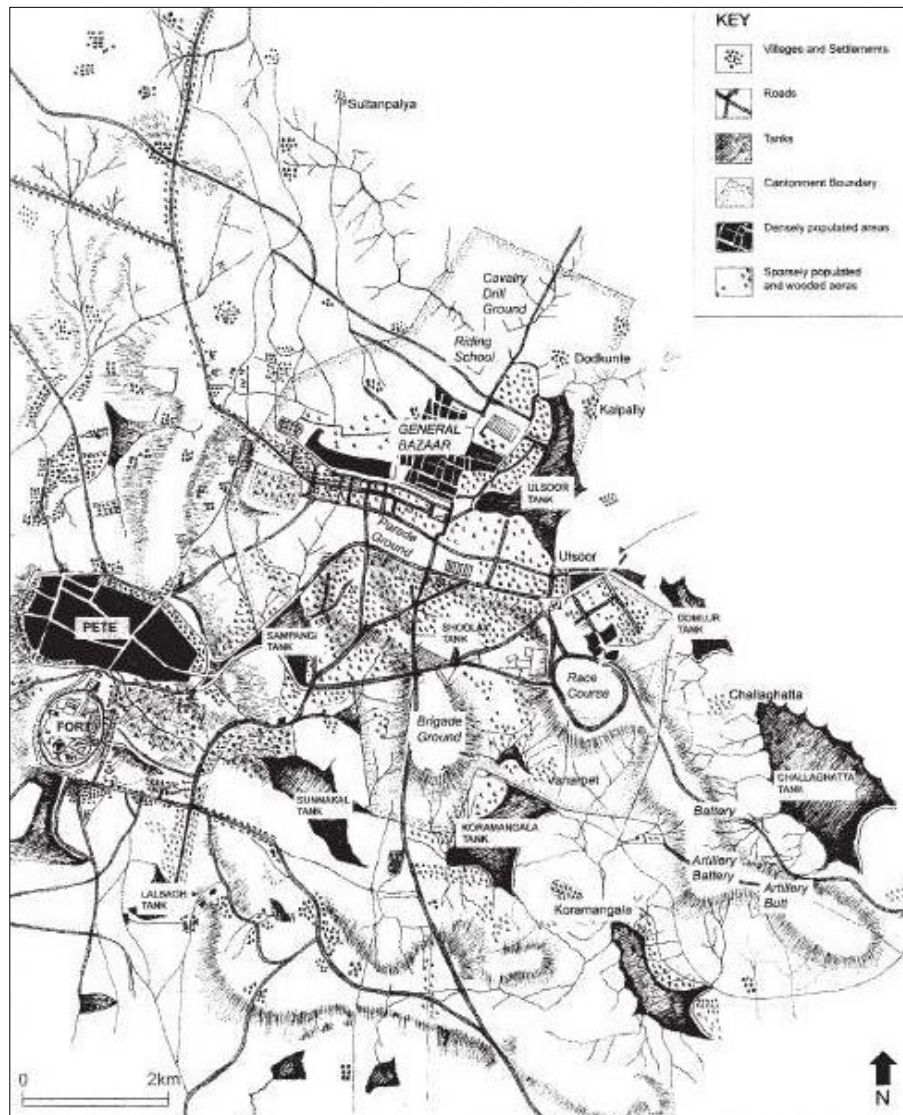


Fig. 2: Map of Bangalore, c. 1850⁶

After the fall of Tipu Sultan in 1799 and the establishment of the cantonment in 1809, a new urban form took shape (Fig. 2). The city was divided spatially between City and Cantonment, separated by a swathe of parkland, in an east-west zonation that would continue until quite recently. The (old) city was drained of its productive capacity



(Pani et al. 1985; Nair 1998) while the civil and military station came into being to fulfil the strategic imperatives of colonial rule. Places of residence were separated from spaces of work, although a mix of farming/market gardening was encouraged in the civil and military station. Vineyards, grass farms, orchards, and dairy and poultry activities were interspersed within the station and on its peripheries (Gist 1986; cf. Venkatarayappa 1957).

Industrialisation under colonialism, to the extent that it happened at all, was stilted and did not necessarily drive the urban form in the same ways it did elsewhere, not even in enclaves. (Hall 1995: 273-318) Bangalore did not go through the phase of smokestack industrialisation that was characteristic of many other colonial cities, such as Bombay, Ahmedabad, or Kanpur (Nair 1998). Indeed, even during the period of industrial expansion, in the 1930s and 1940s, there was no radical or enduring reworking of city space (Gist 1986; Venkatarayappa 1957), though post-plague planning (after 1898) led to the establishment of a number of new, primarily middle class settlements (Heitzman 2004: 35) (Fig 3 & 4).

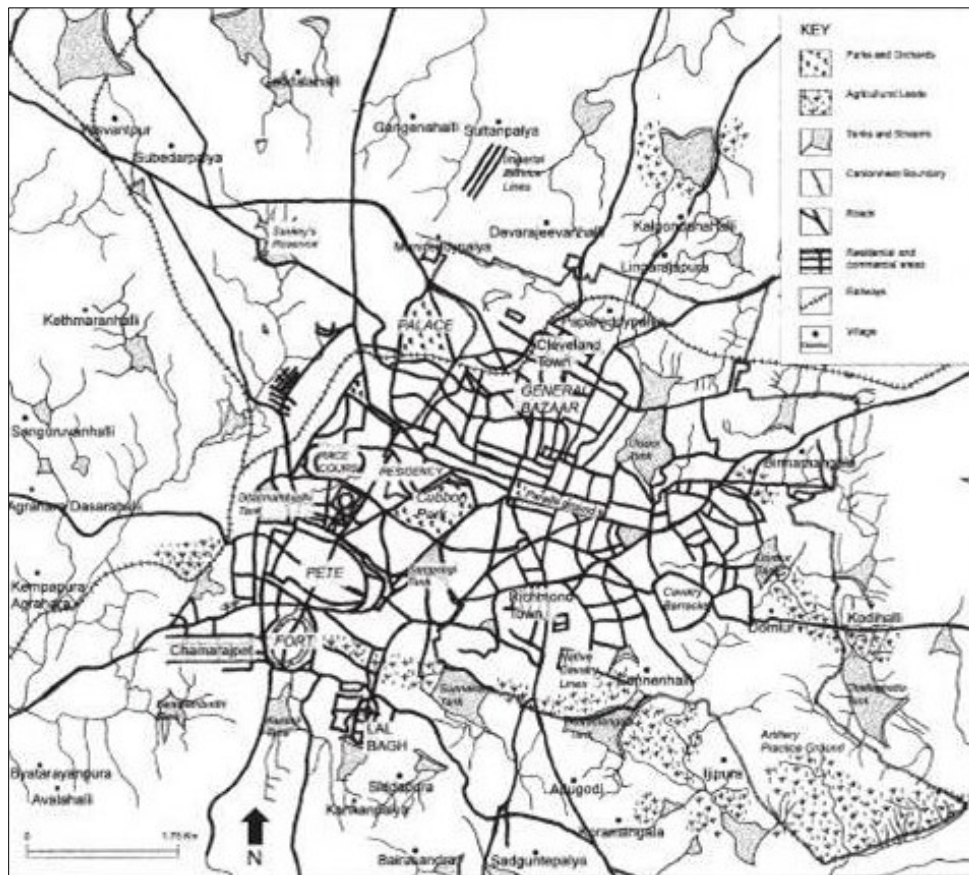


Fig. 3: Map of Bangalore, c. 1897⁷

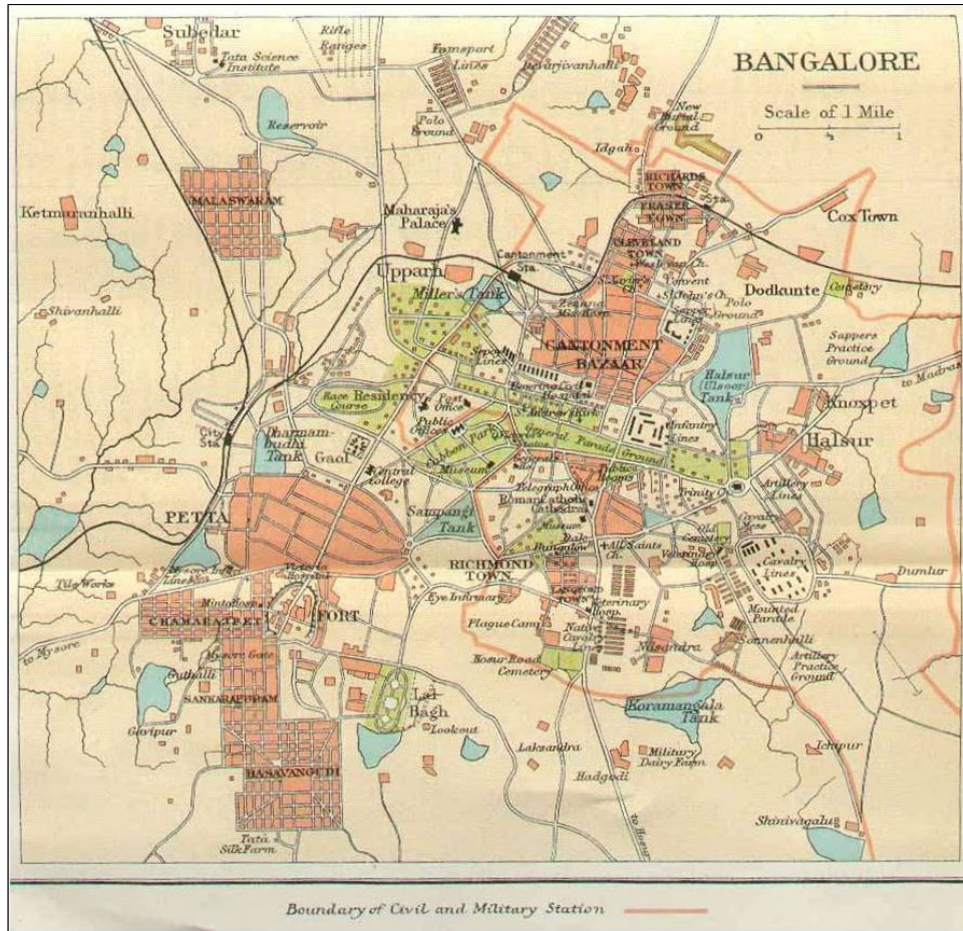


Fig. 4: Map of Bangalore, 1924⁸

In the decades following 1947 – the period of Planning for Patriotic Production – Bangalore was the site of another transformation, with the design and implementation of the most ambitious city form: the industrial township (Nair 2005: 136) (Fig 5). Yet, even these developments remained enclaved, though very soon transforming the areas around the units, as more villages were urbanised (Nair 2005: 136-40). Between 1940-1960, say V. L. S. Prakasa Rao and Tewari, “infilling had taken place, in the form of residential development in the interstitial area” as a result of which “the urban texture lost its compactness” (Rao & Tewari 1999: 228).

Indeed, the next phase (1960 onwards) was one of ‘leap-frogging’ of institutional and industrial complexes such as Bangalore University and Indian Telephone Industries (ITI) (ibid.: 229; cf. Behera et al 1985: 5). Even so, the intermixed uses of urban space continued until the 1970s. The first signs of an overburdened urban infrastructure led to anguished calls to deflect the surge into the city. C. J. Padmanabha, the Chairman of the City Improvement Trust Board, called for the



green belt as a band to prevent further city growth; he also stressed the importance of reducing mixed uses of urban space. He was among the first to suggest the shift of productive activities, especially those involving animals, to “milk colonies in the Ring Towns”. Alarmed by the influx of migrants, he pleaded for ring towns in “Yelahanka, Nelamangala, Doddballapur, Hoskote, Whitefield, Kengeri, Ramanagaram, Magadi, Anekal, round Bangalore” (Padmanabaha 1973; cf. Prasanna & Vathsala 1983).⁹

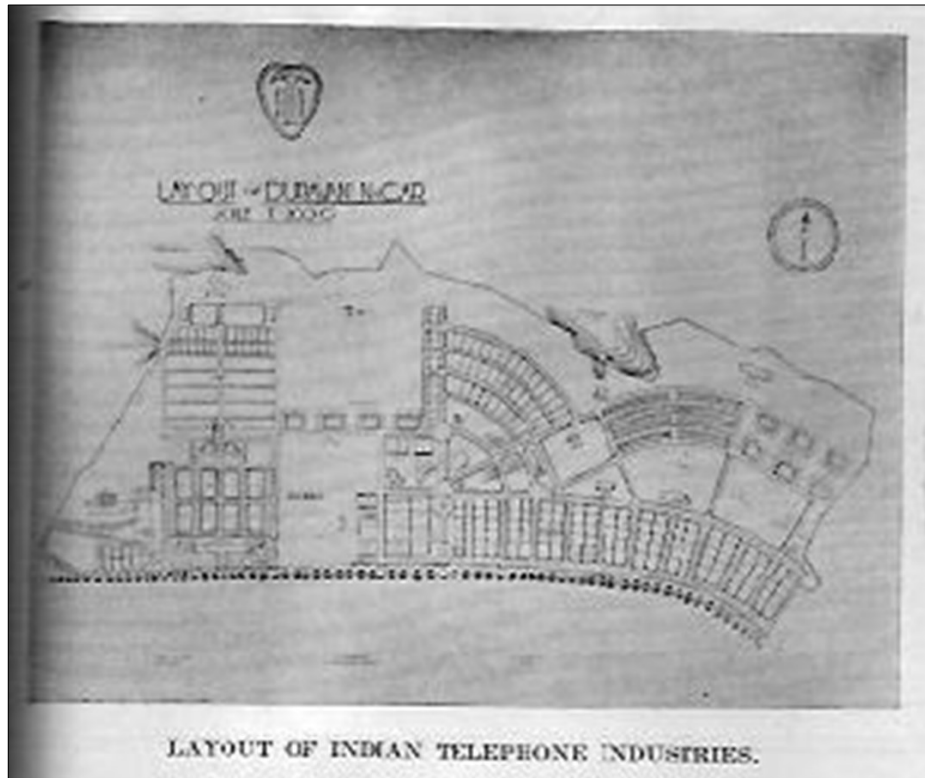


Fig. 5: ITI Industrial Township, 1950s¹⁰

By the 1980s, both the city’s traditional urban core and civil station lost their characteristic features: among the notable changes was the disappearance of tanks and tank beds. Bangalore entered a new phase of urbanism marked by the gated residential enclave. Planning, which in its originary sense was intended as a state check on unbridled competition for scarce urban space, was itself on offer here. Against a backdrop of long acknowledged failures, state planning yielded place to planning-as-commodity, a promise of not only ensured water supply, electricity and other scarce commodities, but also withdrawal from the uncertainties and intolerable strains of the social life of Indian cities. At the same time, the total (common) open space in the city dramatically



declined, as tank beds, casurina plantations, and orchards and gardens disappeared under large scale building activities (Fig 6).



Fig. 6: Map of Bangalore, 1960¹¹

Throughout the 1970s and 1980s, planners, sociologists, geographers, and economists cautioned against the dangers of overcrowding and urged the building of alternatives or “counter magnets” to the fatal attractions of the city (Ramachandran 1989). Variously called ring towns, satellite towns, new towns/townships, these were seen as the panacea to the formless urban sprawl. Many of these were predicated on the development of high speed corridors. From the 1990s, the burgeoning Information Technology and IT-Enabled Services sector both adapted to the existing structure of the city, and spawned the tech park, which defined work, play and leisure in new and exclusive ways, withdrawing from the tumult and unpredictability of the city into a san-



itised habitat. The demand for a dedicated 'tech corridor' attempted to connect in situ developments between Whitefield and Koramangala (Fig. 7).

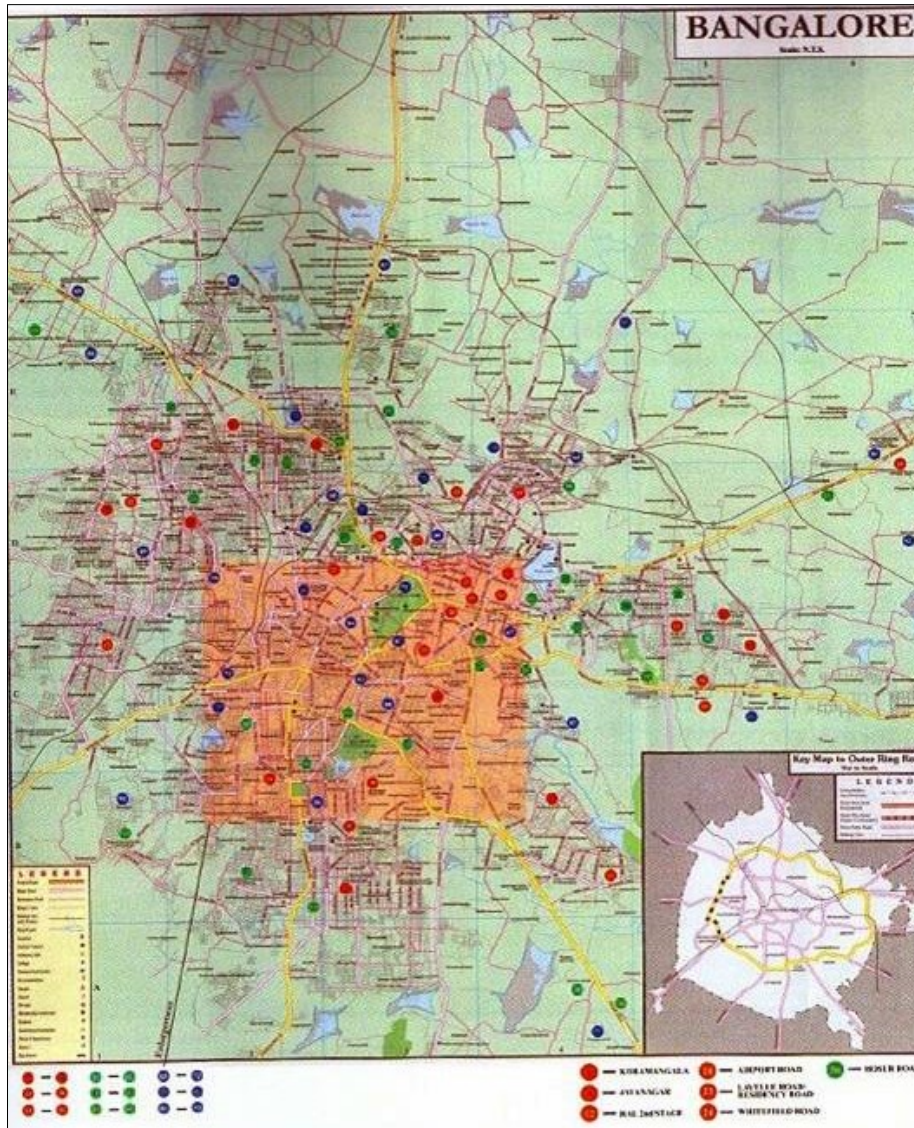


Fig. 7: Central Business District, Bangalore c. 2000¹²

The new urbanism was distinguished from all its previous forms since it made motion and circulation an end in itself (Sennett 1996). Subordinate to no other driving material force, planning responded to "implosion-explosion" (Lefebvre (2003 [1970])), meaning urban concentration, rural exodus, extension of the urban fabric, subordination of the agrarian to the urban) to take the form of "Corridor Urbanism" (Hall 1995: 273-318). A good instance of this emerging form is the NICE corridor, which proposes to connect the two cities of Bangalore and Mysore, in order to 'save' them.



But before discussing the project itself, I would like to lay out the three force-fields that are crucial to the production of urban space – namely, planning, law and politics. Planning, despite its well-intentioned public face, by definition excludes all but the technocrats; many have acknowledged that in the Bangalore context, planning had largely been “unimaginative, partial, restrictive and negative, geared only to restrict land speculation, but without being able to realise even that objective” (Ramachandran 1989: 46). Planning activity is indeed the ‘rule of experts’. Politics offer the only hope of being a negotiable resource to which the poor and marginalised may turn (Mertens 1996; cf. Nair 2005). The field of the law, as we well know, is used to delay and defer, but less rarely to overturn processes that are well under way, in addition to being unaffordable to many among the poor and marginalised. Even so, the law has strategically been used by those hoping to correct administrative or even political wrongs.

However, I read court judgments between 1997 and 2006 relating in particular to land acquisition for infrastructure projects such as NICE, not in order to speak of the prospects of justice but to decipher what they might tell us about the new urban form that the courts feel *obliged to bring into being*. Both the court and the legislature reveal a wilful ignorance about the history of repeated failures of plans for ‘saving’ the big city. Let us turn to judicial reasoning about the rapid changes that are happening to city spaces/urban form in cases relating to the proposed corridor between Bangalore and Mysore.

Expressway to Corridor: The Judiciary vs. the Legislature

The proliferating discontents around the construction of a Bangalore Mysore Infrastructure Corridor (henceforth BMIC) have unduly prolonged and delayed indefinitely the completion of a prestigious project which had its roots in a Memorandum of Understanding signed in 1995 between the Government of Karnataka and the Governor, State of Massachusetts (Badrinath 2011)¹³ when H.D. Deve Gowda (Janata Dal [Secular], hereafter JD [S]) was Chief Minister of Karnataka. In 1997, another JD [S], Chief Minister J. H. Patel, signed the Framework Agreement, which was thereafter to be the cornerstone of the project, with a consortium of three: Kalyani Group (Pune), SAB Engineering (Pennsylvania, USA) and Vanasse Hangin Brustlin, (Boston, USA). In 1998, the Government of Karnataka awarded the Build Operate Own Transfer contract to NICE. By 1999, when the S. M. Krishna led Congress government came to power, acquisition was begun, environ-



mental clearances applied for, and loans sought for this mega project, which was estimated to cost 8,400 million Indian Rupees.

Planned in part as a four lane (extendable to six) privately built and operated toll expressway of 111 km between the two cities Bengaluru and Mysore, the corridor development includes five “self-sustaining” independent townships, a peripheral road of 41 km around Bengaluru, a 9.5 km long link road and an elevated link to the heart of the capital city as well (Samiti n.d.). The high volume of contests over this project over the past 19 years, whether in courtroom or legislature, on streets or among NGOs, has ensured that no more than a paltry 41 km around Bengaluru city has been built so far. A news report of 2011 claimed that NICE had won its 566th court case when the SC rejected the need for a Lok Ayuktha (or anti-corruption ombudsman) probe into the project (Badrinath 2011).

The project can be seen as a sign of a new economic and political order; but of what kind?¹⁴ More appropriately, as the conception and execution of this project is yoked to the fate of two cities, does this ‘infrastructure construction’ represent a textbook example of the switching of capital from primary circuits of production to the secondary (i.e. of enhancing the built environment for production) in order to resolve the crisis of over-accumulation (Lefebvre 2003: 160; cf. Harvey 1984: 236)? Or, if we are not to take space as an inert commodity but as a set of relations which are produced in specific economic and political circumstances, are we witnessing a new phase in the development of subcontinental capitalism and the rise of a new urbanism?¹⁵

In his discussion of economic transformation in contemporary India and the realm of democracy, Partha Chatterjee has outlined some features of what he identifies as the new phase in which corporate capital has established its moral-political hegemony over, among other things, the apparatuses of the (formerly relatively autonomous) state, such as the bureaucracy and the judiciary. Yet this is not identical to the ‘transitions’ to bourgeois democracy that may have been experienced elsewhere, because of what he describes as “political society” whose activities belong to another domain, that which is more “temporary, contextual and unstable arrived at through direct political negotiations” (Chatterjee 2008: 57). Following Kalyan Sanyal’s seminal critique of the transition (to capitalism) narrative, Chatterjee ties the economic spheres of corporate and non-corporate capital to civil and political society respectively. The new role of the state has been to ameliorate the process of capitalist accumulation and the ruptured unity of labour



with the means of labour, through the production and sustenance of a “need economy” which aids the process of capital accumulation (Sanjal 2007: 69-70).

Is the field of forces in contemporary Karnataka an affirmation of this insightful formulation? There is no doubt that the BMIC has seized hold of the planning/bureaucratic and judicial imagination in ways that signal a consensus about the imperatives of ‘growth’ – here standing for rapid capitalist growth, uncontaminated by any early postcolonial notions of developmentalist growth. Michael Goldman has argued with reference to several new projects coming up around Bengaluru, the BMIC included, that we are entering a new phase of world city brokering, of “speculative urbanism” in which governments too have played a major role (Goldman 2011: 555-81). The unspecified claims of the company which has undertaken this project, NICE, under the leadership of the ‘serial entrepreneur’ Ashok Kheny,¹⁶ have been able to win over courts, legislators, and the media itself to become the unquestionable commonsense in this period. In the earliest judgment on the public interest petition filed by H. T. Somasekhar Reddy in 1997 (hereafter *H. T. Somasekhar Reddy*), the Karnataka High Court said:

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Government was satisfied that the interests of the State of Karnataka would be best served if the infrastructure corridor is industrially and commercially developed as contemplated by the Infrastructure Corridor Project Technical Report, as such development would promote industrial, commercial and economic growth in the Karnataka State generally and in Bangalore in particular. It will create new job opportunities to the residents in and around the Infrastructure Corridor, promote tourism, decongest traffic in Bangalore and Mysore and ensure smooth and safer traffic between Bangalore and Mysore and provide a world-class Expressway between them. (H. T. Somasekhar Reddy 1998)

In the semantic shift from the conception of a Bangalore Mysore Expressway to an “infrastructure corridor”, (as decided in the first meeting of the High Level Committee on 14.6.1995, see *Proceedings* 1995) the project’s scope has been broadened, opening opportunities of framing both claims to its overall importance and opposition to the project. The BMIC has been imagined as the connector not merely between two cities but to a global order, as relieving the pressure of the exploding cities of Bengaluru and Mysore. This ostensible commonsense has remained unquestioned in judgment after judgment, both in the High Court and the Supreme Court, emerging as the inaugural point of judicial reasoning. It is precisely the will to cast this immense



speculative enterprise in the 'public interest' that has provided the opposition, both within the legislature and outside it, with some of its most potent weapons.

Yet the trajectory of events over the last 19 years, and the shifts and changes that have occurred in this dense field of forces regarding the fate of the BMIC, disturb the schematic oppositions that have been outlined by Partha Chatterjee. While consensus may indeed have emerged around the logic of the form, (i.e. the necessity of producing specific built environments for world production/consumption of which the infrastructure corridor is a good example), the dialectics of content, which in turn may effect, alter or even stall the logic of the form, (with all its contradictions and challenges) must also be taken into account while thinking about what (anticipated or unanticipated) form is ushered into being.

Why has this scheme been consistently upheld, and the rights of the company asserted, often in opposition to the Government's cautions, by the judiciary? A historically unprecedented quantum of land has been demanded, amounting to 20,193 acres spread over 141 full villages and 52 part villages in four districts, of which 6956 acres is government land, and 13,302 is private (Samiti, n.d.). This represents an almost eight-fold increase over the 1988 estimate of 2,600 acres for the expressway (*Proceedings* 1995).¹⁷ In contrast to the near unanimity of the judiciary, why has the state shifted and changed its position from willing accomplice to chief opponent, before being forced back into performing its role as accomplice once more? What accounts for this fickleness of the legislature as opposed to the consistency of the judiciary? And are those whose lands and lives are being indisputably ravaged mute recipients of the injustice of expropriation, this accumulation by dispossession?

This paper pays central attention to the terrain of the law, and its role in the production of the BMIC. Considered here as both a structure and as a process, the field of law itself brings clarity to production/-consumption relations while largely shedding its earlier mantle of dispensing justice, despite the fact that it has been one of the key sites which have been approached by all parties in the contest. More importantly, I would like to trace the ways in which judicial discourse has redefined key concepts in post-independence quests for justice, namely the realms of 'public purpose' and 'public interest'. This will allow for speculation on the possible new urban form that the courts in particular now feel committed to endorse and affirm.



Public Purpose in a Time of 'Speculative Urbanism'

In a number of decisions of the 1950s and 1960s, land acquisition for productive purposes, i.e. constructing public sector units in Bangalore, were usually upheld by the courts as representing public purposes, since they reflected not just regional but national industrial concerns (Nair 2005: 166-99). There was a willingness to concede the demand for higher compensation without overturning acquisitions as such. The unwieldy growth of Bangalore by the 1970s put new pressures on urbanisable space in the city which called for policy and legislative measures that limited, without actually directing, the changes that were occurring.

The Bangalore Development Authority, which combined planning and development functions, was set up in 1976 to prevent what was perceived as the growing menace of private layouts and also chop down the growing visibility and importance of the House Building Cooperative Societies. Devaraj Urs' regime, 1972-80, (justifiably called the most important non-communist regime in India, for its focus on questions of social justice, cf. Manor 1980) was the time when many efforts were made to regulate and centralise transactions on land, and a time when a number of legislative checks on land use were instituted. But state controls themselves led to a vast market in illegalities, variously of private players, house building cooperative societies, and the state, on which the judiciary was forced to function as a partial check.

Meanwhile, not content with the demand for higher compensation, landowners often approached the courts to challenge planning documents themselves, and question the "public purpose" for which the Bangalore Development Authority "exercised their special powers to deprive one section of the public to favour another section of the public" (BDA 1991: 11). Land acquisition for industrialisation and the construction of large facilities such as airports was rarely overturned, even while a moral argument portraying the rural landowner as a victim of urban interests was repeatedly asserted in courts. Courts routinely observed the 'colourable' (i.e. less than transparent, 'interested') exercise of power, though by the 1980s the illegalities of the state had far outstripped the puny illegalities of the revenue site holders or even housing cooperatives. The notion of 'public purpose' was freely used by both those laying claim to the land and those opposing it, as happened repeatedly during the regime of Ramakrishna Hegde (1983-1987).



In a case involving Dayanand Pai and his attempt to take over a tank bed in 1987, the court said "it appears to us this is nothing more than a conspiracy to deprive the owners of the lands by use of the power of eminent domain which is to be used for an avowedly public purpose, and for strong and compelling reasons and not whimsically or to satisfy the private needs of an individual."¹⁸ The court repeatedly and successfully revealed and struck down such colourable exercise of power in the name of public purpose, whether in the matter of the Chief Minister himself playing the role of an estate agent (as in the NRIHA case of 1988-89) or those who claimed exceptions to the Urban Land Ceiling Act (as in the Revajeetu case of 1987) (Nair 2005: 166-99).

Such judicial frankness has become rare in the torrent of cases related to BMIC. The judiciary has marked a significant shift in redefining public purpose to emphasise deepening links between company and state and in fact holds the state accountable to the company rather than the other way around. (We may note here in passing a significant absence of discussions relating to mass housing, particularly for the poor, which every litigant in the 1980s/1990s felt obliged to recite).¹⁹ This was clear in *H. T. Somasekhar Reddy* which challenged the Framework Agreement (hereafter FWA) between the Government of Karnataka (GoK) and NICE on the basis of a technical report produced by a consortium consisting of the Kalyani Group of Pune, SAB Engg, USA and Vanasse Hangan Brustlin.

H. T. Somasekhar Reddy challenged the project on many grounds: that the road was a mere ruse for real estate production, since the principle interest of the company was in the five townships; that the state had awarded the contract without competitive bidding; that more land than necessary for road construction had been acquired; that the state and its apparatuses were "bound hand and foot" under the Build Own Operate Transfer agreement to serve the company through land acquisition procedures, tax exemptions, and guaranteed resources such as water and power. The High Court, however, concurred with the "purposiveness" of the project and validated the FWA which henceforth became non-negotiable in all future judgements:

Experience has shown that all sorts of activities industrial, commercial, cultural and other such and similar activities tend to concentrate in one city which ultimately ends up in choking the system, resulting in shortages of essential elements required for good living like clean environment, water, electricity, clean air, roads, efficient transport system, open space and host of similar



other things reducing the city to a big slum. Experiment of developing self-sufficient small cities with sufficient water, electricity, good environment along with the Toll Road as a Corridor Project, catering to the needs of the people living there as supporting cities to the big cities shall be a boon, helping the people living in big cities to lead a much better life. It would relieve congestion in the big cities. People living in the newly developed small towns in the Corridor Project would be getting the benefits of big city life without its disadvantages [...] *Construction of an expressway between Bangalore Mysore is a public purpose* [...]. (H. T. Somashekar Reddy 1998: § 49-50, emphasis added)

The court not only agreed with the reasonableness of the administrative action but accepted the inability of the state to undertake such a project, concluding that the government was not obliged to call for tenders: it denied that the executive decisions were cloaked in secrecy and accepted the public purpose of the project, since "high level officials" had been involved. It also renewed the legitimacy of the township plan. (We will return to the question of whether this judgment signalled a move towards *saving* existing cities such as Bengaluru and Mysore, or was envisaging an *alternative* to them.) It bears restatement that this conclusion flies counter to clear evidence of the historical failure of satellite towns, and of other similar plans to act as counter magnets to the metropolis, discussed above. Even the Special Leave Petition moved by Reddy in the Supreme Court was unsuccessful (*Special Leave Petition* 1998): indeed the court asked the state government to fulfil its obligations to the company as speedily as possible. The MP from Dharwad South, Manjunath Kunnu, emphasised in Parliament the need for speedy completion of the project, making handy use of Ashok Kheny's status as a son of the soil who should be encouraged: "people friendly mega projects," he said, "must be executed at a faster pace."²⁰

Meanwhile, in 2003, a minor fissure had appeared on the homogenous surface of judicial reasoning when a single judge hearing a batch of writ petitions against acquisitions around Bangalore revealed several new kinds of illegalities of the company/state. The court therefore asked for only the road to be built minus the townships. While legitimising the acquisition of land for the road (60 percent)²¹ it quashed the notification of 40 percent of the land, on the grounds that the owners of the land were not told for what purpose the land was being notified and were therefore deprived of their right to challenge the notification (*S. M. Mohan Nadgir* 2005).



The Division Bench of the Karnataka High Court, which was called on to review the judgment, swiftly recovered the lost ground and threw its weight behind the company. The Division Bench (2005) set aside the single judge finding on the grounds that “the government has the power to build townships and not just infrastructure” and went further in suggesting that all activities of the modern state need not serve a public purpose. The Division Bench also argued that the “doctrine of severability” could not apply to a project which had to be completed *in toto*, and that in any case land had not been acquired by the government for “an affluent industrial house” (*S. M. Mohan Nadgir* 2005). What we see here is the second step taken by the judiciary, the redefinition of what constitutes legitimate public interest in questioning public purpose.²²

By 2004, any coyness on the part of the judiciary about questioning the Legislature in matters of public policy was jettisoned in favour of ordering the Government of Karnataka to fulfil its obligations to the company. By way of response to the first of a set of three writ petitions, filed by J.C. Madhuswamy, Srirama Reddy and S. Munegowda (the first two being legislators) which drew attention to the violation of the FWA by NICE and uncovered a wide range of new illegalities, the court invoked the grounds of *res judicata*. It claimed that *H.T Somasekhar Reddy* had already covered similar ground and sternly denounced what it saw as a needless drag on economic growth, namely political interference leading to delays:

The petitioners who are only projecting the cause of the State Government too cannot be allowed to agitate the issue that any excess land was provided for the implementation of the Project. They, as representatives of the people or ordinary citizens of the State could, at the most, be interested in the implementation of the Project but whether any excess land had been taken for the Project or not could not be their concern. The Court cannot allow its process to be abused by politicians and others to delay the implementation of a public project which is in larger public interest nor can the Court allow anyone to gain a political objective. These legislators who have not been successful in achieving their objective on the floor of the Assembly have now chosen this forum to achieve their political objective which cannot be allowed. Nandi may not be wrong in asserting that J.C. Madhuswamy and two others have filed the writ petition with an oblique motive. It is alleged that despite the fact that the land around Bangalore which has been acquired for the Project and vests in the State Government has been allowed to be sold by the original landowners in favour of some influential persons and that the State authorities have registered the sale deeds. A few instances have been given



by Nandi as it is asserted that the writ petition has been filed only to protect the interests of such influential persons. *If that be so, the petitions of such busy bodies deserve to be thrown out at the threshold and in appropriate cases with exemplary costs.* (Division Bench 2005, emphasis added)

The court expressed its outrage at the Government of Karnataka's second thoughts on the FWA. The FWA was once more flourished by the courts as the contract on which the state could not renege, and to be unquestioningly implemented in letter and spirit. The court saw itself as a much needed corrective on these legislative 'flip flops'. It severely castigated the needless and wasteful political process which came in the way of the completion of the project.

It was only a short step to further absolve the company of any misdemeanor, thereby equating public purpose with company interest. The court therefore brushed aside the charge that several cases had been filed on behalf of the company itself by interested others (referring to the two other writs under consideration – filed by All India Manufacturers Association (*All India Manufacturers vs. State of Karnataka and Others* 2005) and Dakshinamurthy, urging speedy completion of the project):

[...] learned Senior Counsel Mr. G.L. Sanghi and the learned Advocate General were not wrong in contending that these [two other writs] had been filed at the behest of Nandi. That may be so, but at the same time we find that the prayers made therein, though they support the cause of Nandi, *subserve the interest of the public at large*. As already noticed, they are making a prayer for a direction to the State Government and its instrumentalities to forthwith execute the Project in its totality as originally conceived and upheld by this Court in Somashekar Reddy's case. (*All India Manufacturers* 2005, emphasis added)

The SC deciding on the appeal of the State Government against the HC judgement reiterated this common sense: "there could hardly be a dispute that the project is a mega project which is in large public interest of the state of Karnataka."²³ Indeed, there was no question of separating the road construction from the construction of townships since both constituted public purpose and the project had to stand as a whole.



The Quixotic Role of the Legislature

In contrast to the near unanimity of the courts is the apparent fickleness of government, which gave with an open hand in the 1990s, backtracked in the 2000s, and called for a review of the project which had been dubbed, at least initially by B. S. Yeddyurappa, as the “biggest scam in world history” (Samiti n.d.: 705). The media and the judiciary have interpreted these vacillations as the unconcealed ambitions of the party in power at different points of time.²⁴

After 1997, the courts were flooded with public interest litigation and the single judge decision against townships was made. Former Chief Minister H. D. Deve Gowda himself began to make accusations of corruption, and to demand that the project be stopped until the innumerable cases were resolved. Accusing the state government of having acquired more than was necessary for the expressway project and indeed the townships (over 29,000 acres, instead of 20,193), Deve Gowda demanded a thorough probe into the ‘irregularities’ which were cropping up in the project.²⁵

An opportunity was found when the new Janata Dal-Secular/Congress coalition government under Chief Minister Dharam Singh took power in 2004. It moved swiftly to re-examine the whole project. The Government of Karnataka ordered not only a second look at the acquisition process through the appointment of the K.C. Reddy Expert Committee in 2004 (which recommended a reduction of notified land up to 2,450 acres) but began de-notifying lands selectively, particularly around Bangalore city indicating that lands which were a good distance from the proposed road had been notified (“Government to sign BMIC Project” 2004). The *J. C. Madhuswamy* petition (*J. C. Madhuswamy and Others vs. State of Karnataka and Others* 2004, hereafter *J. C. Madhuswamy* 2004) was filed in 2005 and thrown out by a Division Bench in 2006. That same year, following a heated debate in the legislature, which led to the demand for a CBI enquiry, a fresh call for global tenders was made (“BMIC in Trouble” 2006), though this was withdrawn by 2008, and the idea of a special legislation dropped.

The *J. C. Madhuswamy* petition rightly noted that there were several alarming signs that the NICE had not been adhering to the terms of the FWA in fulfilling its side of the bargain, and indeed may never be able to do so. There was growing unease about the capacity of NICE to fulfil its part of the agreement, since even ten years after the genesis of the project and the free transfer of Government land to the



company “the state and all its citizens between Bangalore and Mysore are yet to see even a single yard of the so called expressway road” (J.C. Madhuswamy 2004). J. C. Madhuswamy showed that the state had defaulted in its role of deliberating on its policies, as became evident as the ‘project’ unfolded. The original FWA tied the construction of the road to the complete handover of land to the company, failing which the work on the road could not begin. The petition listed the kinds of illegalities that had developed after 1997:

- acquisition was being paid for by mortgaging government lands with banks (150 crores).
- the consortium had disappeared, leaving only the family firm of the Khenys, NICE.
- Karnataka Industrial and Development Board (KIADB) had notified land beyond the sanctioned corridor areas: while NICE had demanded 1,600 acres for roads, interchanges, service roads, etc., 5,455 acres were acquired, all located around Bengaluru.
- NICE identified the land, while acquisition was undertaken by the state. In 2003/2004 the KIADB acknowledged that the company, not the government, decided land requirements when the Special Deputy Commissioner Anees Siraj admitted:

Land acquisition notifications were issued based on requirements indicated by promoter company [sic.], and not on the basis of any technical drawing maps as approved by the government in PWD or project report. (Samiti, n.d.: 435-6)

- even de-notification²⁶ was quite arbitrary, as in 2003, when Minister of Industries and Commerce R. V. Deshpande de-notified some lands around Bengaluru.
- NICE alone claimed there was no excess acquisition though each of the functionaries and instrumentalities of the government, right from the Empowered Committee, including the minutes of the Minister of Industries, the KIADB, the Project Coordinator and the Expert Committee were conscious of the excess acquisition and directed its deletion.²⁷
- NICE was given a generous ten years to buy the Government land.
- high ranking officials were enthusiastically endorsing the demands of the company.



- a new planning authority (Bangalore-Mysore Infrastructure Corridor Planning Area, hereafter BMICPA) was constituted in 1999, which included areas already planned and zoned for Bangalore in 1995 and operational up to 2005. (Thus the peripheral toll road which was finally built by NICE was in fact a usurpation of the toll free Outer Peripheral Road planned by the BDA).
- NICE used bitumen rather than the promised cement-concrete for its road.

Importantly, the *J. C. Madhuswamy* petition claimed that land in the areas around the peripheral road which had been constructed, around the proposed interchanges, had already changed hands and passed to private builders.²⁸ The market was openly and directly driving planning, a form of market led 'boosterism', in collusion with the state. Planning itself was subordinated to the needs of the company, as in the creation of a new authority (BMICPA, mentioned above) and amendments were made to the Karnataka Industrial Areas Development Board (KIADB) Act to include trade and tourism as legitimate industrial infrastructural activities.

The striking convergence of the stands of the bureaucracy and judiciary was also predicated on the original claim of the company to 'scientificity' in its survey and identification of the land for the project. As early as 1997, the court said "Every minute detail was explained including the scientific method adopted by the respondent for identification of land for the project" (*H. T. Somashekar Reddy* 1998). Henri Lefebvre has described the "generalized terrorism of the quantifiable, which accentuates the efficiency of repressive space, amplifies it without fear and without reproach, all the more so because of its self justifying nature, its apparent scientificity" (Lefebvre 2003 [1970]: 185). While that which is not quantifiable has not found favour within a judiciary committed to such ostensible 'scientificity', courts remained curiously blind to ways in which that 'scientificity' evaporated over time. As the Dalit Sangarsh Samiti's (n.d.) White Paper on BMIC revealed, NICE took refuge behind a "typographical error" to claim the 1600 acres (instead of the 1506 acres considered adequate for the first phase of its road project), and refused to respond to the demand for data by the K. C. Reddy committee enquiring into acquisition of excess lands in 2004 (*J. C. Madhuswamy* 2004: Annexures § 15, 43).

The NICE's own plan submissions reveal deliberate vagueness rather than scientific precision: "To avoid speculation, no survey of lands has been done", the NICE brochure claims: "[...] help of topo maps has



been taken to know ground conditions. Ground conditions are further examined by limited walking along [...]” (*Bangalore-Mysore Infrastructure Corridor Project Technical Report* 1995: 1.13). The State supported these inaccuracies by declaring that notifications for large swathes of land were necessary, even before the particulars of the road alignment were finally decided. And the State itself submitted before the courts that it discovered that the cash strapped NICE had mortgaged and/or sold a proportion of the allotted government land to raise the funds to pay for land acquisition (*J. C. Madhuswamy* 2004: §40).

There were many reasons why the case came up for renewed scrutiny in the legislature. J. C. Madhuswamy was at pains to point out that infrastructure construction was a process which continually engendered new illegalities, in which politicians also played a part (for instance, changing the alignment of the road to go through precious water bodies, despite court orders (Kulkarni 2012)). The complainants attempted to show the evolving and contingent nature of forces engaged in the production of space, confirming David Harvey’s assessment that “[...] the action of capital itself (particularly through investment in transport and communications) can *create* spatial relationships” (Harvey 1984: 341). The courts however consistently took the stand that the FWA as upheld in *H. T. Somashekar Reddy* was inviolable, thereby freezing the political process and economic conditions to the moment of its signing in 1997. While penalising the state government in 2005 for withholding information, the courts were refusing to acknowledge that new spatial relations, contests and challenges, as well as the new illegalities of the company, were engendered by the project itself.

In the period between 1997 and 2004, changes in governments and their short term goals led to certain reversals of earlier stands. What was *latent* was the capacity of the state to create and control liquid resources such as real estate, and the judiciary’s role in the production of urban space, a commodity in itself.²⁹ A powerful mechanism of globalisation, as Kevin Gotham points out, is the work done by the state in “delocalising” land and converting it into a liquid financial asset (Gotham 2006: 231-75). Real estate financing may be globalised, but production remains localised. Particularly in the context of countries like India, the task of “delocalising” land, of disembedding it from certain kinds of social activities (putatively agriculture) occurs alongside its embedding in new social activities. The state is, therefore, an active participant in fuelling this process of speculative urbanism, as



Goldman (2010) suggests, but it simultaneously needs to rein in overly speculative activities, especially given the contradictory pressures of representative democracy.

This is why Osman Balaban, in his study of the built environment of Turkey in the contemporary period, qualifies the classical theories of capital switching when he says “political actors especially the government have essential reasons to initiate capital flows into the production of built environment no less than economic actors [...] urban built environment could be conceptualised not only as the secondary circuit of capital accumulation but also as the secondary circuit of political continuity and legitimacy” (Balaban 2008: 288-9). But even Balaban’s conceptual framework does not account for the political costs of the process of dis-embedding land, in a social and economic setting that is in flux for a number of reasons. The protests both within and beyond the courts in the last 19 years have redefined the meaning and depth of the ‘public’ in whose name both the growth activities and the opposition to it are being initiated. More importantly for our discussion here, it creates a new common sense about the necessity of dissolving the difference between city and rural area and in rewriting the relationship of the city to urbanism.

The Corridor as a Sign of New Urbanism or is the City 'History'?

In his well-known 1970 provocation on what he termed the contemporary ‘urban revolution’ Henri Lefebvre pointed out that the tools one used to study the industrial city were no longer adequate to an understanding of what he called ‘urban society’ i.e. the expanded scale of urbanism which threatened to dissolve the distinctions between rural and urban, between cores and peripheries (Lefebvre 2003 [1970]). If Gideon Sjoberg (1960) separated fifty-five centuries of city life from the age of industrialisation, which ushered in a radically new urban form, characterised by “the factory, the railways and the slum” (Mumford 1989: 458), it was in order to emphasise that the industrial city bore no relation to its forebears. Lefebvre went further in suggesting that just as industrialisation marked a new and radical discontinuity in the relationship between the village and the city, since a sharper distinction had now emerged between the modern city as industrial ‘effect’, and urbanism, which was more generalised, and itself the motor of accumulation.

It has been sweepingly contended that our colonial past did not engender the industrial city, an urban form that at first brought the conception of the city to crisis, and then resolved it (Mumford 1989:



446). Rhoads Murphey characterised the Asian city as one which subordinated the economic to the cultural and the social: the city was a symbol of authority, of legitimacy and power, literature and culture, in other words commercial and industrial functions were decidedly secondary (Murphey 1972). Despite the obvious exaggerations and indeed a-historicity of such a formulation, one could certainly agree that the economic in the pre-colonial city was embedded in a wide range of practices instead of dominating them – one thinks of the *gasba*, temple town or even the colonial port city.

Colonialism as a form of power engendered “dependent urbanisation” reflecting purely military, administrative and political functions, rather than creating a modern city powered by industrialisation (King 1976). Atiya Habeeb noted, while contrasting the preponderance of secondary occupations in industrialising countries of the nineteenth century with Indian occupational patterns in the same period, that there was only a “spurious tertiarisation” in colonial India, namely the proliferation of services neither linked nor conducive to economic development (Habeeb 1991). How useful then is Lefebvre in helping us think through the specificities of the Indian modern in the contemporary period? Will there be a convergence of trajectories in the future?

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By way of an answer, let us examine the arguments made for the construction of a new expressway almost parallel to the existing State Highway 17, and in addition to State Highway 89.³⁰ The Kalyani group argued in its promotional brochure that geometrical expansion of these existing highways could not take place due to the thickening of buildings and activities on both sides. Ribbon development, i.e. mushrooming growth along all state and national highways, which in plan after plan from the 1960s was lamented as the sure sign of planning gone awry, has in the NICE corridor project been avoided only by conceptually elevating highway dependent townships to a principle of planning itself. The idea of distributing urbanism along the highway, far from being a utopian concept, anticipates and capitalises on the tendency for ribbon development, and makes it into a principle for profit (*Proceedings of the High Level Committee*, 1995: §2) The BMIC, amply aided by government and judiciary, models these new nodes as dedicated ‘dormitory towns’ for the two big cities.

But it also signals a new stage in the life and death of cities in India, a unique and new annihilation of space by time. What is embodied in the idea of the township here has been anticipated to a certain extent in the gated communities, where there is a movement away from the



fullness of 'inhabiting' to an impoverished social life represented by the term 'habitat' referring to a box or function. 'Inhabiting', on the other hand, means "relationships with groups of objects, classes of acts, and people [...] produc[ing] certain relationships rather than receiving them or passively perceiving them" (Lefebvre 2003 [1970]: 81). BMIC/NICE townships while aiming to produce a kind of 'boutique rural' which combines the opportunities of the city with the abundance of the rural only results in this formless urban exudation which is not a city at all but an anti-city, one that "annihilates the city wherever it collides with it" (Mumford 1989: 505).

The corridor classically devours space in order to save time. It also evades or escapes the city, reducing human life to the less than animal existence of eating, sleeping, and reproducing in the ideologised production of new 'dwelling machines' (cf. Sanyal 2011). Five townships that have been proposed as part of the BMIC are respectively: an Eco-Tourism centre close to Mysore, a Heritage Centre near Channapatna, an Industrial Centre near Ramanagaram, a Corporate Centre near Bidadi, and a Commercial Centre near Bengaluru. What act of 'creative destruction' will be engendered in producing these five different townships to herald a new urban order?³¹ In the prose of the brochure, one may detect not the imagination of *saving* the existing cities, but *escaping* from them. The existing cities are seen as the classical centres of overcrowding, corruption and sheer 'lack' so that "Each of the townships" the BMICPA brochure (2003) says, "has been proposed on a unique economic base, which will provide employment opportunities to the people in the region as well as prevent out-migration. It will also decongest the city by encouraging the population in the city to move out to the townships." The consortium's own plan is thin, profoundly vague and contradictory:

The human scale predominates in the total planning of all the new townships, which are planned as self-contained communities, seeking a balance between sources of employment, business centres, centre for fashion technology, medical and other research centres, etc. are suitably located in various townships which are essentially organised elements in a broad programme of decentralisation of the congested urban centres of Bangalore and Mysore. (Samiti n. d.: 53)

Between the promise of "encouraging non-motorised forms of transport" and an absolute dependence on the tolled expressway lies an inevitable paradox. Recklessly borrowing from Clarence Perry's neighbourhood concept (Mumford 1989: 500; cf. Lynch 1981: 401) and the



romantic language of New Urbanism in 1990s America, which was a powerful critique of, and answer to, the auto-mobilisation of America society, the thinness of the plan is deliberate: it offers plenitude of a kind, a bucolic 'boutique rural', wrested from active farming communities and makes the township entirely dependent on the tolled expressway.

Meanwhile, Bengaluru and Mysore, the two cities whose 'salvation' is also tied to the corridor, present a historically unique contrast to each other – one, which corridor urbanism will reduce to the cities' lowest common denominator. Bengaluru is a city with little or no monumental heritage (apart from religious structures) to testify to its long past, and only a stilted public culture. Mysore, on the other hand, basks in the glow of its museumised city-space, which throughout the twentieth century had been successfully turned into a predominantly tourist destination (Nair 2011).³² The new Infrastructure Corridor ignores these two nodes in the interest of invoking investor interest in the new townships, which are an escape from the incorrigible problems of the two big cities. Moreover, the gap between the promised idylls of township living and the reality of the realty effect is already evident in the areas around Bengaluru, which have been acquired by NICE to date. By 2004, despite submissions to the Expert Committee headed by K.C. Reddy that 1,700 acres would be adequate for Township I at Bidadi and a mere 500 for a group housing scheme, a total of 2,387 acres was sanctioned since "township should be developed to international standards and therefore it would be appropriate to allow the extent of land requested by the company" (*J. C. Madhuswamy* 2004: Annexures).

This is clearly a very different vision from the one enunciated by the consortium. The bankruptcy of the company vision is deliberate, since it is tied to speculation, rather than planning per se. Indeed, planning may be precisely what NICE is avoiding in order to sustain a speculative surge. As many challengers to these acquisitions have already pointed out, land was already being transacted between NICE and builders of gated colonies, urban space that accepts the necessity of "coarse grained" uses (i.e. reducing the kinds and numbers of activities possible in space), bypassing the opportunity of producing a "fine grained" social mix (encouraging occupational, class, race and other forms of population heterogeneity (Lynch 1981: 404-5).

Has an alternative to this form of urbanism at least emerged among groups/communities who have been expropriated?³³ There are at least



two identifiable responses to this question. On the one hand, most of the cases filed by project-affected people, while beginning with the rhetoric of the epic battle between farm and factory, between livelihoods and profits, go on to argue for a higher quantum of compensation in a highly speculative and exploding real estate market (*B. P. Kamala vs. State of Karnataka and Others* 2006; *Nandi Infrastructure Corridor Enterprises and Others vs. State of Karnataka and another* 2006). It is a process of transformation from which even smaller peasants who have found it difficult to sustain agriculture are not exempt. "It is indeed sad", the J. C. Madhuswamy submission said, "that the manner of acquisition has ranged from intimidation of farmers to *cajoling them to give up their lands*" (*J.C. Madhuswamy* 2004: §37). In his study of three tanks which have been acquired by the BMIC/NICE, Atul Kulkarni (2012) notes that the Kommaghatta tank bed has been converted into private layouts and sites. As one group of farmers told him,

After 2010 onwards, several farmers protested and put cases in court against NICE. Then Govt set up a fast track court to deal with several cases related to acquisition of land under NICE. The price of the land was fixed by NICE was Rs 4 lakh per acre, but several landlords protested and negotiated to Rs 10 lakh per acre + 60*40 site or Rs 9383 per feet, but settled for Rs 7 lakh per acre + one site. We, landlords have no choice, but to sell off land. (cit. in Kulkarni 2011: 51)

The wealthier farmers have thus been under pressure to negotiate either directly or through courts for higher compensation, in recognition of the changed field of forces, and the necessity of participating in, rather than resisting, the project which will without doubt change their lives and livelihoods. Clearly some 'farmers', as several other recent works have shown, are actively and profitably engaging with the market in land; rather than being gullible victims, as the petitions may suggest, s/he has acquiesced to the vision of the global city: it is more of a quarrel *about* acquisition rather than being *against* it. In other words, land losers wishing to participate in the speculative wave have succumbed to seductions of this urban form which extend out in the form of golf courses, theme parks, tech parks. The Dalita Sangarsh Samiti's detailed exposure of the fraud that has been perpetrated on the people of the cities is an illuminating example of this ambivalence: the project must be supported but on terms that are fair to the dispossessed. There is, in short, no attempt here to generate alterna-



tives to the imagination of the urban proposed by NICE, except by invoking the rural-urban binary. (Fig. 8)

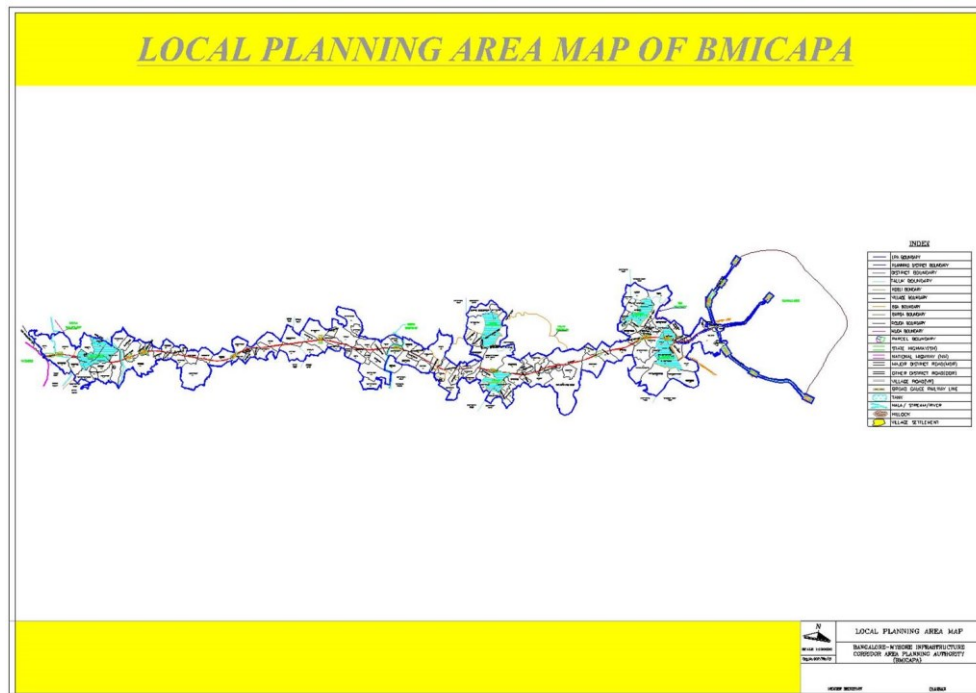


Fig. 8: Map of Bangalore, c. 1850³⁴

The poor and marginalised, on the other hand, have been left unrecognised by the authorities and the NICE/BBMP and BMICPA. Their opposition to the project within the legislature or in courts, in petitions and representations, or on the streets, continues to be defensive. They use the forms and strategies more appropriate to the well-known opposition between town and country. This collective misrecognition of the vastly altered field of forces, in which the judiciary plays the role of midwife, is in striking contrast to those who have acquiesced to the development. For we know, only too well, that the 'rural'/village, particularly on such stretches between two major metropolises, has been a vulnerable entity: qualitative and quantitative studies alike have shown the marked shifts towards non-farm employment (Gupta 2005), confirmed in the increased visibility of 'census towns' (as opposed to 'statutory towns') since 2011 (Pradhan 2013: 43-51). Between this apparent deterioration of the economic and social bases of the village, and a political interest in maintaining an archaism of strategy, no alternative urban future has been envisaged.

We have however, the commitment of the current NDA government to the development of 'smart cities' in anticipation of the massive move towards urbanisation in the next few decades (cf. Dutta 2015).



The judiciary, which once played a crucial role in supporting the state in its creation of a public sector in public interest, and in developing cities to support and nurture those patriotic dreams, also upheld a notion of justice. While it still speaks out strongly against the vacillations of representative politics, it plays a different role, recognising that the production of space, a commodity like no other, requires a redefinition of who speaks for public interest. As even this limited analysis of judgements reveal, the judiciary appears to be defining neo-dirigisme as a necessary complement to the production of urbanisable space.

Through all these changes, the city as we knew it stands threatened by the generalised urbanism that is being promoted. One could, as Mumford reminded us, breach the wall, and storm the citadel, but with what weapons does one combat the faceless forces of change that engender this relentless urbanisation? And with what imaginations (Harvey 2008)? The reluctant urbanisation of early twentieth century India was read by some as a sign of the hesitation, perhaps even preference, of the Mysore villager who lived by the dictum that only 'after the ruin, go to the city'. Now it is the ruins of the city that are being laid at the entrances to the villages which are already being abandoned or changed, as they uncertainly join the urban order.

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Rajesh Bhattacharya and Kalyan Sanyal have recently analysed the arrival of this form of urbanism in "post-colonial India", characterised by "the crisis of subsistence-oriented economic activities and the subsistence/accumulation contradiction" which "plays out as an endless game of eviction and encroachment."³⁵ Yet the participation of a heterogeneous rural population, including subsistence farmers, in producing the space for the information-intensive sectors of the post colony, a new phase of capitalist development in short, with its consequences not only the new urban form that is being spawned but its effects on the historical city, has not been addressed. This is an inaugural step towards elaborating urbanisation as an effect of such capitalist accumulation.

Endnotes

¹ Sushma Swaraj to travel to Singapore, smart city project on agenda. Economic Times, 13 Aug 2014, <http://economictimes.indiatimes.com/news/politics-and-nation/sushma-swaraj-to-travel-to-singapore-smart-city-project-on-agenda/articleshow/40200753.cms> [retrieved 14.08. 14].



² 100 Smart Cities the Best Way forward for India. 2014. *Financial Times*, August 4, p. 1, <http://economictimes.indiatimes.com/news/politics-and-nation/sushma-swaraj-to-travel-to-singapore-smart-city-project-on-agenda/articleshow/40200753.cms>, [retrieved 14.08.14].

³ Mary John compelled me to address this methodological question at the very outset.

⁴ I adapt here the terms "logic of the form" and "dialectics of content" used by Henri Lefebvre (2003 [1970]) in a way that has been elaborated below.

⁵ Map shows Kempegowda Fort. Based on map from Intelligence Records of Colonial Reads 1791. Nair 2005. *The Promise of the Metropolis: Bangalore's 20th Century*. Oxford University Press.

⁶ Map based on *Pharoah's Atlas of South India*. *ibid*.

⁷ Map based on Bangalore City and C&M Station map in Rice, B. Lewis. 1897. Mysore. A Gazetter compiled for Government. *ibid*.

⁸ Map from *Murray's Handbook for Travellers*. 1924. London: Murray, http://en.wikipedia.org/wiki/File:Bangalore1924_map.gif [Retrieved 26.03.2015]

⁹ See, however Shekhar 1999. On the basis of a socio economic survey, Shekhar claims that both the Kengeri Satellite Town and Yelahanka New Town, despite being planned as counter magnets to the old crowded city by the Government of Karnataka after the 1960s, evolved quite differently from Bangalore, with a "better off population with higher educational status and lower dependency ratios" (*ibid.*: 73). In short, the mass of migrants continued to be attracted to the opportunities in the city of Bangalore and not to the purported better living in the satellite towns. Another sociologist concluded that "the history of Bangalore over the last four decades makes it clear that the city has suffered not for want of planning because of it excess [sic.] [...]. Urban planning peters out to be [sic.] a political administrative ritual." (Jayaram 1989, pp. 36-52, 11-2). He concluded that only development of the rural areas would keep city growth in check.

¹⁰ From Mysore Dasara Exhibition Handbook. 1953, pp. 70-71.

¹¹ Map from *Bangalore Guide Map, Surveyed 1960-61*, First Edition, 1969.

¹² The description of the Map reads as follows: "Built up space occupied by IT companies are considered as commercial space even though some of the functions are a hybrid of commercial and industrial functions. Commercial space, however is expensive and unaffordable for some of the IT startup companies. Clearly, what is needed is a zone that is in-between commercial and industrial. The study recommends that these IT companies be located in newly developed Business Parks." Map from *IT Corridor Bangalore: Structure Plan and Final Report 2003*.

¹³ The proposal to build a new road to Mysore from Bangalore was made as early as 1988, but the sole tender was rejected on the grounds that the party insisted that no improvements be made to existing state highways (SH 17 and 89) as a guarantee of the expressway's economic success. Mysore Expressway Scam: A Ready-Reckoner. 2012. *India Today Online*. New Delhi, October 26, <http://indiatoday.intoday.in/story/mysore-expressway-scam-tj-abraham-deve-gowda-bsy-sm-krishna/1/226302.html> [retrieved 03.08.13].

¹⁴ Bhattacharya, Rajesh &, Sanyal, Kalyan. 2011. Bypassing the Squalor: New Towns, Immaterial Labour and Exclusion in Post-colonial Urbanisation. *Economic and Political Weekly*, 46 (31), pp. 41-8, <http://www.epw.in/review-urban-affairs/bypassing-squalor-new-towns-immaterial-labour-and-exclusion-post-colonial-urban> [retrieved 13.04.14].

¹⁵ Vasavi, A. R. 2010. The Nation as Real Estate. Centre for the Advanced Study of India, University of Pennsylvania. <http://casi.sas.upenn.edu/iit/vasavi> [retrieved 13.04.14]

¹⁶ Ashok Kheny, a non-resident Indian (NRI), and a part time TV and film actor, had at one point activated Fans' Associations along Mysore Road as a way of exerting an extra economic and legal power. In the 2013 May elections to the Karnataka Legislature, Kheny contested and won a seat from Bidar South (his ancestral place) on the ticket of the Karnataka Makkala Paksha, and is



among the richest contestants: as he puts it, "the government system is so bad that they will not allow you to even develop the village if you are not an MLA! [...] Karnataka Makkala Paksha MLA Ashok Kheny promises to complete BMIC if given land clearances and other sanctions" (Desai 2013).

¹⁷ The Principal Secretary to the Government of Karnataka, Housing and Urban Development, had cautioned the Government right at the outset about the problems of acquiring such large tracts of land: "it may become necessary to obtain land on consent, at market price. The Land Acquisition Act may have to be amended for payment of such compensation" (*Proceedings* 1995).

¹⁸ *Mrs Behroze Ramyar Batha and Others vs. Special Land Acquisition Officer, Bangalore and Others*. KLJ 1992, (1).

¹⁹ My reading of some of the important BMIC judgements differs from the one provided by V. Ranganathan, which expresses deep disappointment at the unwillingness or inability of the judiciary to go into the details of the excess acquisition, confining itself to procedural matters alone. Rather, I am asking why the judiciary takes the position it does, for which a longer history of judicial activism needs to be taken into account. Cf. Ranganathan, V. 2006. Eminent Domain or Eminent Thievery? *Economic and Political Weekly*, 41 (26), pp. 2697-700.

²⁰ Need to complete the Bangalore-Mysore Infrastructure Corridor by 2010. *Lok Sabha Debates*, December 4, 2007, <http://164.100.47.132/LssNew/psearch/result14.aspx?dbsl=9314> [retrieved 03.04.2013]

²¹ All the documents seem to suggest that approximately 6,999 acres were required for the road, while the rest amounting to 13,194 acres were for the townships. Of this, 6,956 acres was Government Land and 13,302 acres was private land.

²² In the words of the bench, the single judge's efforts to separate the roads from the townships was a mistake: "the acquisition of lands for one integrated project and the quashing of notification issued for acquisition of land for such integrated projects only in part, as has been done by the learned Single Judge, is not at all permissible and would lead to anomalous results" (*S. M. Mohan Nadgir* 2005).

²³ *State of Karnataka and Another vs. All India Manufacturers and Others*. (SC Judgement), 20 April, 2006.

²⁴ Menon, Parvathi. 2005. An Expressway Blocked. *Frontline*, 22 (11), <http://www.frontline.in/static/html/fl2211/stories/20050603003803900.htm> [retrieved 13.12.14].

²⁵ Sharma, Ravi. 2006. Road to Nowhere: Land Acquisition controversies stall the Bangalore – Mysore Infrastructure Corridor Project. *Frontline*, 23 (12), <http://www.frontline.in/navigation/?type=static&page=flonnet&rdurl=fl2312/stories/20060630002504000.htm> [retrieved 13.12.14]

²⁶ 'De-notification' refers to the process by which lands notified for acquisition by the state are later exempted from acquisition.

²⁷ Rejoinder to the statement of objections filed by Respondent. *J. C. Madhuswamy* 2004. W.P. No. 45386/2004 [GM] PIL, 27)

²⁸ In a similar case filed by T. J. Abraham before the Karnataka Lok Ayukta, 102 people were named, including five Karnataka Chief Ministers, other politicians, 57 bureaucrats, and bank managers, on grounds which were nearly identical to the points raised in the *Madhuswamy* petition. Lok Ayukta Verdict on BMIC 'Land Grab' on October 4. *Citizen Matters*, 2 Oct. 2012. <http://bangalore.citizenmatters.in/articles/4558-lokayukta-verdict-on-bmic-land-grab-case-on-october-4th> [retrieved 15.03.13].

²⁹ For a compilation of frequently asked questions on the BMIC project see: <http://indiatgether.org/campaigns/bmic/bmicfaq.htm#Q1> [retrieved 13.03.15]



³⁰ A consensus about the need to 'de-congest' Bangalore had grown among senior bureaucrats and administrators in the 1990s: a proposal to double the railway track was made in 1998, specifically imagining the development of business, industry and satellite towns along the corridor (Cf. *The Bangalore-Mysore Corridor* 1998).

³¹ The suggestive oxymoron, originally used by Joseph Schumpeter, was reinterpreted by David Harvey in his rich description and analysis of the re-conceptualisation of Paris under Baron Haussmann (1852-1870). It represented the twin processes by which a space had to be destroyed in order to be regenerated, providing an opportunity for the investment of over-accumulated capital, and for the creation of thousands of jobs, even as it tore down an older urban form and established new ways of 'inhabiting' (Harvey 2006).

³² The "cellular urbanism" is characteristic of many historically different locations; Cf. Samuel Y. Liang (2013) for a fascinating account of several stages through which imperial, revolutionary, and post-revolutionary Chinese cities have passed, and their consequences for urban form.

³³ Among the associations and groups that have been active in challenging the BMIC/NICE and the Government of Karnataka on economic, social, environmental issues and on questions of legality are: Bhooswadhina Virodhi Vedika® Karnataka; Raitha Sangha; Dalit Sangarsh Samiti; Environment Support Group; NICE Bhu Swadheena Virodhi Raitha Horata Samathi; Samraja Shahi Virodhi Okkota, Karnataka.

³⁴ Local Planning Area of BMICPA, [bmicpa.org](http://www.bmicpa.org).
http://www.google.co.in/imgres?imgurl=http://bmicapa.org/img/lpamap_Layout1big.jpg&imgrefurl=http://bmicapa.org/&h=1139&w=1587&tbid=qirB3GrybkVuQM:&zoom=1&docid=VdLK8PnpNCxT5M&ei=K6ATVfGFL4mjugTnr4L4DQ&tbm=isch&ved=0CB0QMygBMAE [retrieved 16.06.13].

³⁵ Bhattacharya & Sanyal 2011, p. 42

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