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THE PROBLEM OF ILLEGAL CONSTRUCTION IN BENGALURU

In India, now the most populated country, the demand for housing in cities has been growing unsteadily with its population, leading to various illegal constructions and deviations from the building plans. One of its primary victims is the city of Bengaluru. This problem has been an ongoing one in India's IT capital.

According to a report by the Bruhat Bengaluru Mahanagara Palike (BBMP) released in September 2022, there are around 2,46,948 illegal constructions in the tech hub city¹. The authorities have made various attempts to curb the problem of illegal construction of buildings in Bengaluru, but none seems adequate so far to restrict such constructions completely. Many orders, drives, and directions were carried out and given to control such constructions, yet again, this problem remains unresolved. In light of this pressing issue, the Karnataka High Court recently issued directions for the BBMP to take action against the menace of illegal construction by urging them to devise a released composite action plan². The Court emphasized that a need for a more Holistic approach is in place. It drew importance on the working official machinery that must be available to the BBMP to take any further actions that may be necessary to resolve this issue.

The first problem with this issue starts with addressing these illegal constructions in the city; it lies in the failure of working machinery to hold the violators accountable for their actions. Although the Act does give powers to the zonal commissioners to issue notices, it does not necessarily stop the violators from proceeding with such violations. There are many certain instances where, even

¹ Vivan, S. (2023) *Illegal buildings in Town Planning Department's Radar, Bangalore Mirror*. Available at: <https://bangaloremirror.indiatimes.com/bangalore/others/illegal-buildings-in-town-planning-departmentsradar/articleshow/105942521.cms> (Accessed: 18 January 2024).

² K, P. (2023) *Prepare action plan to remove all illegal structures: Karnataka HC to BBMP, State, The New Indian Express*. Available at: <https://www.newindianexpress.com/cities/bengaluru/2023/aug/15/prepare-action-plan-to-remove-all-illegal-structures-karnataka-hc-to-bbmp-state-2605357.html> (Accessed: 18 January 2024).

though complaints have been filed, it takes a while for the notice to be issued to the violators, leading to an already progressive violation. There are also certain instances where, even though the notices are issued, the demolition is not carried out accordingly by the authorities. There were submissions by Dr. Kathavi in the Karnataka High Court that although the notices for demolition were plenty, the actual groundwork lacked in great number, and the demolition carried out was only against a few temporary structures and against those who are not economically sound³.

Such inaction by the authorities has been one of the major reasons for the substantial exacerbation of this issue. According to another report by the BBMP, 80 buildings had violated the plans in the South Zone in 2023⁴; in light of this, the Joint Commissioner released a notification directing the owners or the builders to display the building plan in front of the construction site. Although the Zonal Commissioner Trilok Chandra stated that the Town Planning Department had started issuing notices and action would be taken against those who have failed to display building plans, residents claim otherwise. The order given in July 2023 has not been complied with, as claimed by the residents of Whitefield, who have been fighting against these upcoming illegal constructions of buildings and non-compliance with the Zonal Commissioner's order. Many residents claimed in an interview held by *The Hindu* that almost under 20 construction sites have not displayed building plans, the buildings are to be seen clearly in violation, and yet the notices have not been issued⁵. One of the residents claimed that even though such issues are being raised occasionally at the Ward Committee Meetings, less is done in comparison to the promises made by the officials. Various examples were stated by such residents, showing the buildings in clear violation, yet notices were not issued and no action was taken by the BBMP.

³ Plumber, M. (2023) *Karnataka High Court urges collaborative action plan to address illegal constructions in Bengaluru*, *Live Law*. Available at: <https://www.livelaw.in/high-court/karnataka-high-court/karnataka-high-court/illegal-constructions-demolition-bruhat-bengaluru-mahanagara-palike-235184> (Accessed: 18 January 2024).

⁴ Migrator (2023) *BBMP removes illegal buildings in South Zone*, *Deccan Herald*. Available at: <https://www.deccanherald.com/india/karnataka/bengaluru/bbmp-removes-illegal-buildings-in-south-zone1239039.html> (Accessed: 19 January 2024).

⁵ H.S., S. (2023) *BBMP not serious about curbing illegal construction in Bengaluru*, *The Hindu*. Available at: <https://www.thehindu.com/news/cities/bangalore/whitefield-residents-say-bbmp-action-against-unauthorisedbuildings-not-visible-on-ground/article67212385.ece> (Accessed: 20 January 2024).

Emphasizing the solution, the authorities have recently taken another approach to curb this rising problem; the BBMP has made the move to delegate its powers to the town planning department instead of the ward engineers. The authorities claimed that ward engineers had too much responsibility, and this workload hindered their ability to curb illegal constructions. Hence, the power was to be delegated to the town planning department at the suggestion of the chief engineer and legal cell. The failure of the ward engineers to curb this problem led to this move by the BBMP. Officials emphasized another problem that is faced by the authorities, which is the difficulty associated with monitoring illegal construction over the vast areas covering almost 800 sq m; in light of this, a new initiative has been taken up to strengthen the town planning department. The decision was made that every zone is to have one joint director, one deputy director, one assistant director, three planners, and gangmen, and an additional two assistants to be assigned for each assembly constituency in the peripheral areas⁶. The town planning department was given the additional responsibility of monitoring illegal constructions, which would include visiting the approved building plan sites to mark plinth lines and monitoring construction activities regularly. In such instances where illegal constructions or deviations or non-compliance of orders are found, notices must be issued, and plans for demolition of such portions must be estimated, a tender would be called for such demolition, and the violator would bear all costs.

With this recent decision, the question arises whether this would bring a desired change or be another failed attempt at resolving these ongoing pertinent issues. These numerous failed attempts only shed light on the inadequacy and incompetency of the authorities. With this move, can Bengaluru finally win this battle against illegal construction? But one thing is certain: when it is already emphasized by the authorities and the Courts that a radical overhaul is necessary, these half-hearted attempts at fighting this battle fall short.

⁶ Vivan, S. (2023a) *Illegal buildings in Town Planning Department's Radar, Bangalore Mirror*. Available at: <https://bangaloremirror.indiatimes.com/bangalore/others/illegal-buildings-in-town-planning-departmentsradar/articleshow/105942521.cms> (Accessed: 20 January 2024).