

Transparency in Planning Practice: Contemporary urban reform in India

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ABSTRACT

The study defines the concept of 'transparency' in terms of 'disclosure of information' and 'two-way flow of information', which is operationalized through public participation. In the context of India, the study explores 'transparency in Planning' in the form of Right to Information Act, to facilitating citizen participation, and to improve public sector performance. Citizen participation in Planning is comparatively contemporary in Indian context, especially with the concern of boosting transparency in the planning system. While the literature of citizen participation is truly engaged in co-creation of spaces and knowledge, evidence show that the current urban reform programs such as JNNURM, AMRUT, participatory budgeting and smart city programs have

half-heartedly introduced the public participation component, and the true meaning of citizenship participation is achieved only in limited way. Finally the study concludes reflecting upon how it is methodologically difficult to research 'transparency' and what could be other ways to address the issue of transparency.

INTRODUCTION

'Transparency' is fundamentally defined as 'disclosure of information', and the main discussion includes discussion of instruments to operationalise transparency, while the concept is wider and complex. To begin with, the study discusses both one-way disclosure of information about government's way of working and two-way flow of information as in public participation/ citizen participation. The reason for operationalising transparency in Planning is also rooted in the concept of 'democracy'. In specific, in case of deliberative democracy, the aim is to include more diverse voices in the decision-making. Democracy, efficient use of resources and transparency are discussed together in the literature. The demand for transparency (one-way flow of information) in a democracy started with the idea of good governance and Freedom of Information movement. The concept of transparency in terms of 'two-way flow of information' in Planning is operationalised in terms of public participation, which is comparatively contemporary development in Indian context with the traditional top-down planning approach. Participatory budgeting is another form of operationalising transparency/ public participation that comes under the umbrella term of 'democratizing planning' (also referred as radical democracy and deepening democracy); this started in Brazil and also relates to the concept of 'social justice' (Goldfrank, 2006 and Sintomer et al., 2008). With recent draft of UN Habitat III, focusing on 'right to the

city'¹, it is anticipated that there will be increasing pressure on the government to open-up the decision-making process. Since planners are working towards more uncertainty both in terms of unforeseen impact of climate change and segregated communities, it is increasingly important to improve the transparency of the planning process for public sector to be accountable in the long run. Moreover, the scholars in the global South are involved in discussing the conflict between neoliberal reform and democratic decision-making, where transparency during planning process would boost the confidence of people that decisions are taken assuring public interest. Interestingly, on one hand, transparency has become a policy booster as a form of good governance, and on the other, more sectors are being privatised which secure private sectors' confidentiality. This makes transparency a contested issue.

The article addresses 'transparency' from rather a simplified, operationable subject, as mere 'disclosure of information' to a wider, complex issue, as an umbrella term, as addressed in planning theory, mainly emerged in the global North. Section 2 explains the background related to transparency in terms of Modern Information Theory. Section 3 elaborates on Heald and Hood's (2006) categories of transparency. Section 4 discusses about economics of transparency (Ross, 1973). Section 5 investigates transparency in the context of India: starting from the legal reform introducing RTI Act, 2006 in India to central government urban reform of JNNURM and more recently, AMRUT, to the implementation of participatory budgeting. Besides presenting empirical evidence on whether transparency has been operationalised, the section also suggested how variedly transparency can be understood in a more tangible way, with empirical evidences.

¹ <http://citiscopes.org/habitatIII/news/2016/07/can-diplomats-negotiating-new-urban-agenda-deliver-success-week>

MODERN INFORMATION THEORY AND FREEDOM OF INFORMATION

Transparency is considered as a component of good governance in a democracy. It is defined as ‘disclosure of information about public sector’s way of working’. From Public Administration perspective and based on Human Rights Act, the governed has the right to know what government is doing and why (Stiglitz, 2003 and Florini, 2007). The public sector should enable the process of public scrutiny. It is argued that the role of government is to represent and protect the public interest, and therefore the public has the right to verify at any time whether this is in fact what government is doing (Florini, 2007). Florini even argues, information on how public money is being used doesn’t belong to the government, but public. Furthermore, democracy and transparency are often discussed in association with efficiency (Rosendorff et al., 2011). Modern Information Theory discusses both Freedom of Information Act, where as a citizen one should have access to information about public sector’s way of working by law, and modernisation of disclosure of information, which states that information must be available to all the citizens through ICT (internet) and throughout a day (24x7). Both Modern Information Theory and Freedom of Information Act were largely mobilised by international development organisations. As an influence of Modern Information Theory a large number of countries adopted Right to Information Act across the globe. It also enforced the various hierarchies of government to upload their information on website. India adopted its RTI Act in 2006. India started her e-governance program in 2006.

One of the purposes of transparency in a democracy is to have informed voice in decision-making. Florini’s (2007) theory discusses public participation as a tool that encourages decision-making with an informed voice, which could be applied in case of planning process too. As Florini (2007) describes it, transparency, or rather a flow of information is important in democracy in order to facilitate the participation of informed voices in decision-making. The purpose of

having an informed voice in decision-making is to take part in or evaluate the quality of decisions in a democracy. Transparency essentially improves the quality of democratic decision-making. Her definition of transparency is:

“Transparency refers to the degree to which information is available to outsiders that enables them to have informed voice in decisions and/ or to assess the decisions made by insiders.” (Florini, 2007)

Another main purpose of operationalising public participation in Planning is to deliver an effective project that already incorporates stakeholders’ interest, and stakeholders are already knowledgeable and convinced about why the project is beneficial for them, as the project also demands change in behaviour of the users. As discussed below with evidence from Indian cases, this specific purpose is not yet adopted in Indian cases, at least in the cases discussed below.

CATEGORIES OF TRANSPARENCY

Heald and Hood’s (2006) framework on categories of transparency shows transparency is a multi-dimensional component. There are questions about direction of disclosure, degree of disclosure and time of disclosure. Heald and Hood (2006) introduce a framework on categories of transparency depending on the time and direction of disclosure of information, which is useful in understanding why certain purposes are fulfilled and some are not. This framework is also found extremely useful in explaining why a setting may be considered non-transparent even though mechanisms of transparency have been operationalised: this is possible when one type of transparency has been operationalised, but not others. At the same time, this does not imply that all forms of transparency have to be operationalised together.

Their first category is upward versus downward transparency. Upward transparency is achieved when people at the bottom can see

how their superiors make decisions. Downward transparency is achieved when people at the top can see how their subordinates make decisions.

The second category is inward versus outward transparency. Inward transparency is achieved when outsiders get to see how decisions are made in an organisation or in a partnership. Florini's (2007) definition of transparency touches upon this point where she discusses whether information about decision-making in a government organisation is available to outsiders (citizens). The role of such transparency here should be to empower citizens (outsiders) to have a voice in the decision-making. Outward transparency would be achieved when actors in an organisation have access to information about activities outside it, however, related to their purpose.

The third category is event versus process transparency. Event transparency is when information about particular events (on decision-making) are disclosed. The processes to reach the event could be generally black-boxed in such cases, as one would be more concerned about output of a process. Process transparency is achieved when information about the processes to reach at the event is also disclosed. As discussed below, public participation in planning should ideally operate process transparency.

Their fourth category is nominal versus effective transparency. Nominal transparency can be achieved merely by disclosing information, even though the information is not understood by the concerned persons who are seeking access to it; while effective transparency is achieved only when the receiver understands the information and its implications for them or their decision-making. It is common in public sector to maintain public accountability by publishing information in quantitative form or numerical form. Hence, it is easier for them to operationalise nominal transparency.

The gap created between this nominal and effective transparency is known as transparency illusion (Hood and Heald, 2006).

The fifth category is transparency in retrospect versus transparency in real time. Transparency in retrospect means disclosing information at a later point in time, such as book keeping for future consideration; while transparency in real time means disclosing information during the process so that it affects others' decisions. The democratic perspective would be concerned about transparency in real time in order to meaningfully participate in the process. Retrospect transparency is useful only when actors can be punished for failing to deliver their responsibilities. As discussed below, participatory budgeting should ideally operate transparency in real time.

UNDERSTANDING CITIZEN PARTICIPATION AS OPERATIONALIZING TRANSPARENCY

The study will discuss tools of citizen participation, considering citizen participation operationalizes transparency, in the sense of two-way flow of information. The seminal work in relation to citizen participation is Arnstein's (1969) ladder of citizen participation. Citizen participation is discussed in relation to democracy, but also from a perspective of co-creation of knowledge to be used in the decision-making. The following two subsections discuss citizen participation and digital democracy, i.e., facilitating democratic decision making through the use of digital technology.

Ladder of citizen participation

Arnstein's (1969) ladder of citizen participation is a seminal work that defines eight levels in the ladder of citizen participation in public affairs. The first sub-stage is non-participation, the next sub stage is tokenism where it may appear that there is actual citizen participation, but this is not effective. The last sub-stage is citizen power, which is actually considered citizens are empowered to participate in the decision-making. The actual ladder looks like the diagram below in

Fig. 1, the sub-stage of non-participation being at the bottom, and citizen power being at the top.

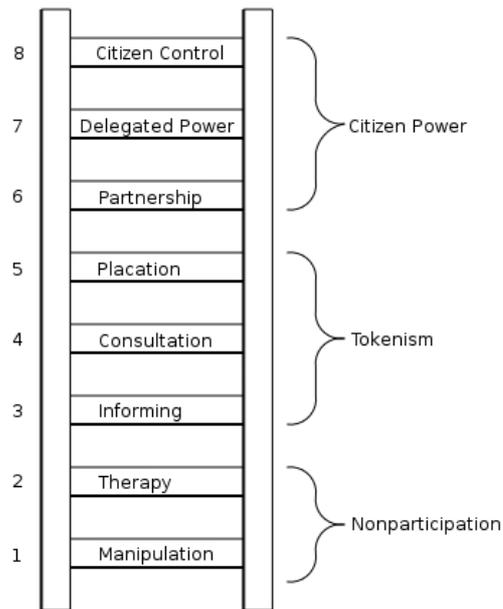


Fig.1 – Arnstein's ladder of citizens participation (Source for picture:
<https://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html>)

While discussing the current urban reform in Indian context, the study will make an attempt to reflect on where do the citizen participation tools belong in the ladder.

Digital democracy

Digital democracy is a term used by Hacker and Dijk (2000) to indicate that political democracy can be improved through the use of ICT and computer communication. Digital democracy is equivalent to electronic democracy, virtual democracy and cyber democracy. As mentioned below, since the contemporary urban reform in India makes provision for use of ICT to collect public opinion and voting, it is relevant to discuss digital democracy. However, Castells (2010) study referred to redundant population to indicate those who may not

have access to the technology. As the study discusses below, India has great performance with digital technology even in the rural part. Hence, this is not a valid criticism in the Indian case. However, even with digital democracy, one would have to investigate their ladder of citizen participation.

OPERATIONALISATION OF TRANSPARENCY IN PLANNING: A CASE OF INDIA RIGHT TO INFORMATION ACT, 2006

Influenced by International Organisations' initiatives and movement for Freedom of Information, and Modern Information Theory, along with other countries, Govt of India adopted the Right to Information (RTI) Act in 2006. The act mandates all public sector offices have to disclose information about their responsibilities and decision making to the public either proactively or reactively. There are certain categories of information that must be disclosed proactively. For certain information, an Indian citizen will have to file a request for information from specific public sector agency with the purpose of request for information with a minimal payment. The public sector agency is bound to disclose the information within a specific time period; otherwise, legal cases can be pursued against them. Citizen charter also ensures that any government official is expected to satisfy one's request or complain in a given time; otherwise they are punishable by law (Haque, 2005). As per economics of information, it is expensive for a public sector agency to employ human and other resources in recording information and disclose them. Hence, certain information are not disclosed already. Moreover, following principal-agent theory, the principal (citizens) employ their agencies (government) to carry out job as decided (Ross, 1973). However, the agency will always try to reduce their cost in carrying out the job as long as the outcome remains the same. This is comparable to event-process transparency (Heald and Hood, 2006). Evidence show, there are constraints in terms of public awareness about RTI Act including RTI Act includes clauses that waive private sector agencies to

disclose information to public due to their confidentiality issue. The clauses in the RTI Act itself safeguards private sector's confidentiality, which contributes towards peoples' perception of corruption.

E-governance

E-governance is another outcome of modernisation of information movement. Mobilised by international development organisations, and followed by RTI Act, all public sector offices were required to upload all their information on the internet so that citizens can access information always from a distance, anytime, without having the burden to physically visit a public sector office. Both central and state level governments are expected to do so. E-governance facilitates facilities starting from acquiring building approval to request for service. E-governance has not only eased the process of accessing information, it has also restructured the way of working for the government. In some cases of smart city in India, the process of e-governance is being recycled in the name of smart governance.² As discussed above, digital democracy is a relevant concept here, considering that the use of ICT facilitates the political democratic process (Hacker and Dijk, 2000).

Participatory Local Governance

In Indian context, the 73rd and 74th Amendment Act of Indian constitution mandate the reallocation of responsibilities on certain categories to the state and local level government. These two amendments could be considered as delegating the scope of operationalizing transparency at the local government level. Following are some central government funded reform that attempted to implement the 73rd and 74th Amendment Act, and hence, public

² <https://www.youtube.com/watch?v=z7zfk8ekkU> (a video in local language)
accessed on 28th July 2016

participation as a tool to operationalise transparency is discussed in relation to such reform. However, it should be mentioned that even though this was mandated by law, many state governments haven't yet adapted the act whole-heartedly. This means, first, not many state governments have implemented the act; second, even though some state governments have adopted, the actual power of resource allocation remains with the state government only. Considering the state government assigns officials with higher power, the elected members of the ULBs are hardly heard.

JNNURM: The case of BRTS

Jawaharlal Nehru National Urban Mission (JNNURM) was a central government initiated urban reform to improve efficiency of urban infrastructure and service delivery mechanism. The mission statement is as follows:

“The aim is to encourage reforms and fast track planned development of identified cities. Focus is to be on efficiency in urban infrastructure and service delivery mechanisms, community participation, and accountability of ULBs/ Parastatal agencies towards citizens.” (Ministry of Urban Development and Poverty Alleviation, no date)

JNNURM was formulated with the intention of implementing 73rd and 74th Amendment Act. JNNURM encouraged transparency in Planning in terms of citizen participation. It enacted Community Participation Law to facilitate citizen participation. And it introduced the concept of Area sabha (at a neighbourhood scale) in urban areas. However, besides this, it does not elaborate on how citizen participation can be implemented.

The planning and implementation of Bus Rapid Transit System (BRTS) in two middle-sized towns in the western part of India was funded by JNNURM. BRTS, being a mega transport project, spreading throughout a city, should have encouraged public participation during the planning period, to make the impact of the

project more effective. In case of Ahmedabad that public participation did not take place during the project planning, threatening its effectiveness post-implementation (Centre of Urban Equity, 2013). However, public participation to certain extent was facilitated in the case of Pune:

“At this stage, designers Sandeep Gandhi and Associates (SGA) of Delhi and architect Prasanna Desai of Pune were consulted for improving the design of the pilot project. There were several consultations between the design team, the authority (PMC) and civil society organisations (CSOs) such as Parisar, Alert, Janwani, etc., and concerned individuals to develop design ideas for the corridor, in particular for including quality NMT infrastructure.” (CoUE, 2013)

However, whereas the case of Pune shows consultation with civil societies during the designing and planning of BRTS project, there was lack of involvement of traffic police in designing new signal system which led to lack of cooperation from them after the project was implemented. Referring back to Arnstein’s (1969) ladder of citizen participation, such consultation with civil society would be considered tokenism. Referring back to Heald and Hood’s framework, the civil society consultation would raise question about nominal versus effective transparency. Having there a tool to assure that citizens have power to influence the design of BRTS through the civil society, it would have been known as effective transparency (Heald and Hood) and citizen control (Arnstein).

AMRUT: ATAL MISSION FOR REJUVINATION AND URBAN TRANSFORMATION (AMRUT)

AMRUT is a comparatively new urban reform program funded by the central government that empowers the state and local governments. This program plans to fund incomplete projects from JNNURM.

“Providing basic services (e.g. water supply, sewerage, urban transport) to households and build amenities in cities which will improve the quality of life for all, especially the poor and the disadvantaged is a national priority. An estimate of the funds required over a 20 year period, at 2009-10 prices, was made by the High Powered Expert Committee (HPEC) during 2011. The Committee estimated that Rs. 39.2 lakh crore was required for creation of urban infrastructure, including Rs. 17.3 lakh crore for urban roads and Rs. 8 lakh crore for services, such as water supply, sewerage, solid waste management and storm water drains. Moreover, the requirement for Operation and Maintenance (O&M) was separately estimated to be Rs. 19.9 lakh crores.” (Ministry of Urban Development, GoI, 2015)

Learning from the drawbacks of JNNURM, AMRUT have substantially improved the public participation component, at least on paper. Implementation is still questionable though, as implementation of public participation in true ‘participation in decision-making’ level is a challenge. As the first step to improve transparency, AMRUT assures the monitoring of progress of project in real time at state and local government level. AMRUT requires two levels of plan: State Annual Action Plan (SAAP: aggregates of SLIPs) and Service Level Implementation Plan (SLIP: project level).

Citizen consultation is mentioned for approval of SAAP. As a tool, it mentions the use of ICT, which is mobile-based tool. This tool can be referred to as a step towards digital democracy. The reform mentions of stakeholder consultation in terms of varied groups like residents welfare association, tax payers association, senior citizen, chamber of commerce and industries, slum dwellers association groups.

At the Detailed Project Report stage, Project Development and Management Consultants (PDMC) will facilitate the process. Development of Service Level Implementation Plan (SLIP) and preparation of City Development Plan (CDP) will incorporate citizen participation. Citizen participation will also contribute towards prioritisation of projects. Scheduling of project in SLIP will be finalised after informing the citizen about project cost. To make the

participation more effective, best practices and smart solutions will be shared with them to make informative decision. Regarding the financial plan, participants will be informed about cost of project and need of external cost. They will be informed about innovative financing model and mechanism. They will be made aware of challenge of providing basic services at a benchmark level, reduced cost and the necessity of less resource consumption. Referring to ladder of citizen participation, it is still considered tokenism. However, as per Heald and Hood's framework, it comes under upward transparency as opposed to downward transparency.

However, to certain extent, it seems the component of citizen participation is introduced in a very narrow sense, especially when it elaborates on sectors. One of the many sectors of local infrastructure delivery is providing green space and parks in consultation with Urban Local Bodies. The document says that citizen participation is expected to be operationalised only for maintenance of the local green spaces and parks.

Smart city plan of Pune

Recently published report on Pune as a smart city shows that the smart city concept includes the idea of facilitating citizen participation during the project planning process. However, it is a matter of investigation that to what extent such participation will be realised. One point is explicitly mentioned that since large scale projects displace slum dwellers, transparency amongst the state and the slum dwellers would help reduce grievances. However, even though by principle, it looks acceptable, it would actually depend on the context and how sensitively decisions are made by the state.

Participatory budgeting

Pune is a first-tier, middle size town in the state of Maharashtra in the western part of India. Pune is the first city in India that implemented participatory budgeting to improve public participation in the

planning process. Participatory budgeting is an innovative methodology that improves democratic process/ democratisation, as the term is frequently used, or even participatory democracy (Sintomer et al., 2008). Six suggested forms of participatory budgeting are:

1. Porto Alegre for Europe
2. Representation of organised interest
3. Community fund at the local and city level
4. Public/private negotiating table
5. Consultant on public finance
6. Proximity participation

Interestingly the concept was first invented in Porto Alegre in Brazil (initiated in 1989), then in entire Latin America. More than 1,000 of 16,000 municipalities had introduced this by 2006. From Latin America, it travelled to the Europe. In 2008, there were 100 European cities with participatory budget. Pune has been progressive in terms of introducing the concept in India during 2005-2007 (Keruwala, no date).

Three basic principles related to the concept: grass-root democracy, social justice and citizen control. Participatory budgeting process empowers participatory governance. There are multiple definitions of the same varying with the context. One is informative event related to budget without involving citizen consultation. Others may feature intensive participation procedure. The most convincing definition is that it allows non-elected citizen to participate in allocation of public funds (Sintomer et al., 2008). There are five dimensions that should ensure implementation of the same:

1. The financial/ budgetary dimension must be addressed
2. City level has to be involved
3. This has to be a repeated process
4. The process must include some form of public deliberation

5. Some accountability on the output

In case of Pune, initially the idea was introduced by then municipal commissioner to the Pune Municipal Committee standing members, and it was highly criticised even as a ‘death of democracy’ in 2006. Later it was institutionalised by the commissioner and in spite of opposition from the committee, it was implemented with the help of civil societies. Based on such evidences, civil societies are often called ‘extension of the state’ (Leaf, 2005). The participatory budgeting in case of Pune was introduced in the following sectors:

- Footpaths/ cycle tracks
- Road
- Street lights
- Traffic signals
- Bus stops
- Public parking
- Public toilets
- Solid waste management
- Water (supply)
- Storm water
- Gardens
- Public buildings
- Signage

The process has been repeated regularly since then. However, even in case of Pune, this is considered a successful model, there are other examples that show that even with participatory models, it is common for local government level decision making to be captured by elite’s interest (cases in reference to Ahmedabad).

Use of ICT to improve city’s efficiency

Indian cases provide plenty of examples on how ICT has been used to improve the state’s performance, and to improve the authenticity of users, as these two have been contested issue in the planning practice

in Indian context, and as a matter of fact, in many emerging economies context.

Improving government's performance

Bangalore Citizenship Report card is one of those initiatives that aims to improve the state's performance by providing feedback on how did the state perform (Ravindra, 2004). This was a civil society initiative taken in 1993. Post gathering feedback, the information was disseminated amongst the citizen, hence, encouraging the departments to initiate reform. There was seven point rating scale with regard to service delivery, efficiency, corruption and staff behaviour. However, even though such tools exist, these are considered as 'low profile' by some higher authority public sector officials, and question the impact of such tools.

Improving authenticity

One main role of transparency has been to combat corruption. Since one form of corruption is that resources are availed by non-eligible persons, besides social audit, digital methods are introduced to improve authenticity of users. This is done with biometric test of individuals. Besides India, there are similar examples in South African context too. Such methods have been adopted in Ahmedabad in case of providing driving licences.

To conclude on evidences from India, as the above-mentioned evidence show, even though public participation is increasingly being facilitated in many cases, there are still problems with implementation. One potential reason for operationalising the tool could be lack of understanding of why such processes are required. For instance, it is stated that in case of BRTS, due to the top-down planning approach, public participation was not facilitated. In case of Pune, the traffic police disagreed to cooperate since they were not involved in the design.

CONCLUSION

Findings show, ‘transparency’ was mainly understood in the sense of ‘disclosure of information’ during 2006 when Right to Information Act was first introduced in India. More recently, starting from central government urban reform on JNNURM, AMRUT and smart city projects ‘transparency’ is increasingly understood in the sense of public participation in the planning process, in terms of two-way flow of information. While better tools are being implemented over time to improve the extent of participation, the true meaning of citizen participation, in the sense of co-creation of urban space and knowledge is still limited. This is partly due to the fact that proper tools are not used, partly due to the fact that more public participation also means greater time in planning process and increased cost. In addition, the true understanding of ‘co-creation’ is not properly understood. However, participatory budgeting in Pune was a breakthrough. Participatory budgeting introduced the idea of citizen control as per the ladder of citizen participation. In summary, there is still scope of improvement in implementation of the process, with scope of improvement in how knowledge is co-created through transparency. Finally, digital technologies are being increasingly used to improve planning process.

While the paper investigates empirical evidence on transparency in the planning process, the wider literature offers a way more complex understanding of transparency: in the sense of co-creation of knowledge, co-constitution of meaning of place etc. Such complex understanding will still have to be introduced in practice. In the Indian context, the planning process is complex, as illegality and informality play a significant role. However, such dimensions are related to the timeline of planning process and legitimacy. Although corruption exists, it is little pronounced in the formal domain. In some planning literature, such areas are mentioned as ‘grey spaces’. Transparency in planning practice must reflect on those ‘grey spaces’ to understand transparency in a robust way. Methodologically, it is difficult to research ‘transparency’ as the term itself alerts the

research subject and makes them defensive. There should be other terms that must be used in order to make the research subject comfortable to discuss whether they are facilitating public participation that results into co-creation of knowledge and whether such knowledge are really taken into account while making decisions.

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