

# **Juridical Accumulation by Dispossession: Regularisation, Law, and Urban Informality in Delhi**

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## Abstract

This working paper examines the political economy of regularisation, defined as the state-led process of conferring legal title to informal settlements, in the context of Delhi's unauthorised colonies. While official policy discourse frames regularisation as a welfare intervention designed to enhance tenure security and social inclusion, this paper argues that, under prevailing neoliberal planning conditions, regularisation frequently operates as a mechanism of juridical accumulation by dispossession (Harvey 2003).

Focusing on the Pradhan Mantri Unauthorised Colonies in Delhi Awas Adhikar Yojana (PM-UDAY) and its legal and institutional context, the paper analyses how legal recognition restructures informal housing from a primarily use-oriented asset into an exchange-oriented commodity. This transformation does not automatically result in displacement. However, by reducing legal uncertainty and enabling market participation, regularisation often generates rent gaps that incentivise speculation, property consolidation, and the gradual exclusion of low-income tenants.

Drawing on policy documents, judicial decisions, implementation data, and secondary market evidence, the paper develops the concept of juridical accumulation by dispossession to describe a mode of displacement that operates through legality, pricing, and market restructuring rather than direct eviction. The findings suggest that while some owner-occupiers benefit from enhanced security and asset values, tenants and marginal households remain structurally vulnerable. The paper concludes by arguing for alternative regularisation frameworks that prioritise collective tenure, tenant protection, and decommodified housing outcomes.

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# 1. Introduction

Urbanisation in the Global South is characterised by widespread informality. In cities such as Delhi, the formal city, defined by planned layouts, zoning regulations, and legally sanctioned development, exists alongside extensive informal settlements that house a significant share of the working population. Delhi's unauthorised colonies, accommodating over four million residents across approximately 1,731 settlements, represent one of the most enduring manifestations of this divide (DDA 2024).

These settlements did not emerge as chaotic aberrations but as rational responses to systemic failures in formal planning and housing provision. For decades, the Delhi Development Authority failed to supply affordable housing at a scale commensurate with population growth, compelling lower and middle-income households to purchase agricultural land through customary legal instruments and incrementally construct housing beyond the formal planning system (Kumar 2011; Roy 2005).

For nearly five decades, unauthorised colonies existed in a condition of suspended legality. They were illegal enough to be excluded from full service provision, yet necessary enough to be tolerated as labour reservoirs and electoral constituencies. In 2019, the Government of India announced PM-UDAY, presenting it as a historic shift toward granting freehold ownership and ending long-standing tenure uncertainty. Policy narratives emphasised empowerment, asset creation, and the unlocking of so-called dead capital (DDA 2024).

This paper challenges that developmentalist framing. It argues that the transition from tolerance to titling is not a neutral or purely welfare-oriented intervention. Rather, it represents the opening of a new frontier for capital accumulation by converting socially embedded, informal tenure into legally tradable property. Through this transformation, the state facilitates the creation of a new real estate market where one previously operated under constrained and informal conditions.

The central argument advanced here is that regularisation in Delhi operates as a form of juridical accumulation by dispossession. This process does not rely primarily on physical eviction. Instead, it functions through legal reclassification, market valuation, and price mechanisms that progressively undermine the ability of low-income residents, particularly tenants, to remain in place.

## 1.1 Methods, Data Sources, and Analytical Approach

This working paper adopts a qualitative political economy approach, drawing on document analysis, judicial interpretation, and secondary empirical evidence to examine the distributive consequences of regularisation in Delhi. The analysis is derived from a

larger undergraduate dissertation project that combined policy review, legal analysis, and case-based examination of unauthorised colonies.

Empirical references in this paper are drawn from multiple sources, including official implementation data released by the Delhi Development Authority and policy research institutions, media-reported property price trends, and published secondary studies on housing formalisation and informality. These sources are used to identify patterns rather than to establish causal generalisations. Given the limited availability of disaggregated post-regularisation eviction data, the paper does not claim to measure displacement directly. Instead, it analyses how legal and policy changes restructure incentives within housing markets, creating conditions under which market-mediated displacement becomes more likely.

Judicial analysis focuses on key Supreme Court and High Court decisions shaping the legality of informal tenure and property transactions, particularly rulings affecting General Power of Attorney transactions and the moral framing of urban informality. Together, these materials enable an examination of regularisation as a juridical and institutional process that reconfigures urban land relations. The paper therefore advances a structurally grounded interpretation rather than a predictive or econometric account of displacement outcomes.

## 2. Conceptual Framework: Law, Planning, and Dispossession

To analyse the mechanisms through which regularisation produces uneven outcomes, this paper draws on critical political economy and legal-geographical approaches to urban informality.

### 2.1 Accumulation by Dispossession

David Harvey's concept of accumulation by dispossession describes how neoliberal capitalism resolves crises of overaccumulation by commodifying previously non-market assets, including land, housing, and public goods (Harvey 2003). While Marx's original formulation emphasised violent enclosure, Harvey demonstrates that contemporary dispossession frequently occurs through privatisation, legal restructuring, and financialisation.

In Delhi, unauthorised colonies constitute a large pool of land that has historically circulated under constrained legal conditions. Although property transactions occurred, these assets remained largely inaccessible to formal credit markets and large-scale real estate capital. Regularisation alters this condition by reducing legal uncertainty and enabling integration into formal property and financial systems. In this sense,

regularisation functions as an enclosure of informal land, allowing capital to enter spaces previously characterised by limited market penetration.

## 2.2 The Epistemology of Informality

Ananya Roy's conceptualisation of informality as a mode of urbanisation produced by the state is critical for understanding regularisation as a governance strategy rather than a corrective measure (Roy 2005). Informality is not simply the absence of planning. It is actively generated through selective enforcement, discretionary legality, and exclusionary planning regimes.

From this perspective, regularisation does not rectify a planning failure. Instead, it represents a strategic reconfiguration of legal status in response to shifting political and economic priorities. When the state chooses to regularise, it is not merely recognising existing realities. It is reconstituting land relations to serve new market logics.

## 2.3 Juridical Accumulation

Building on these insights, this paper introduces the concept of juridical accumulation by dispossession to describe a contemporary mechanism through which law functions as an infrastructure of accumulation. Juridical accumulation occurs when the state deploys legal instruments such as titles, conveyance deeds, and zoning recognition to raise the exchange value of land.

In unauthorised colonies, the use value of housing is high, as dwellings function primarily as sites of social reproduction. However, exchange value remains suppressed due to legal risk. Regularisation reduces this risk and often generates a significant rent gap between existing use value and potential market value (Smith 1979). This gap does not automatically lead to displacement. Yet in highly unequal housing markets with weak tenant protections, it can incentivise speculative investment, landlord consolidation, and rising rents that disproportionately affect low-income residents.

Regularisation does not, in itself, mechanically produce dispossession. Rather, it restructures the legal and economic conditions under which dispossession may occur. By reducing juridical uncertainty, titling frequently lowers transaction risks and expands the range of actors willing to invest in previously informal land (Smith 1979; Harvey 2003). This process often generates a significant rent gap between the existing use value of housing and its potential exchange value under formal market conditions. Empirical studies from Delhi indicate that property prices in some colonies rose sharply following legal recognition, with reports of values doubling after layout approval or titling (Chitlangia 2013; DDA 2024). Such price escalation does not automatically result in displacement. However, under conditions where tenant protections are weak and housing supply remains constrained, rising land values can incentivise landlords to restructure occupancy, raise rents, or sell to speculative buyers. The outcome is

therefore contingent, but structurally biased in favour of capital-owning actors, particularly in the absence of countervailing regulatory safeguards.

### **3. Context: The Production of Scarcity and the PM-UDAY Response**

#### **3.1 The DDA and the Failure of Monopoly**

Since its establishment in 1957, the Delhi Development Authority has exercised a legal monopoly over land development. Its mandate included land acquisition, planned development, and affordable housing provision. Despite this, housing supply consistently lagged behind population growth. Between 1981 and 2021, Delhi's population increased from approximately six million to nearly twenty million, while the formal housing deficit exceeded 1.9 million units by 2011 (DDA 2024).

In response, working-class households accessed land through informal subdivision of agricultural plots on the urban periphery. These subdivisions remained unauthorised due to the DDA's refusal to approve layouts. Over time, residents relied on General Power of Attorney and Will documents to transfer property rights. Although legally imperfect, these arrangements were socially recognised and tacitly tolerated by the state.

#### **3.2 From Political Regularisation to Individualised Titling**

Historically, regularisation functioned as a politically contingent promise, often mobilised during electoral cycles. Earlier attempts focused on colony-level recognition and infrastructure upgrading but stalled due to legal and administrative complexity.

PM-UDAY marked a departure by prioritising individual tenure conversion over spatial planning. The scheme bypassed layout regularisation and infrastructure compliance in favour of a transactional model in which residents submit documents through a digital portal and receive conveyance deeds. This shift from planning-led regularisation to tenure-led regularisation reveals a reorientation toward market integration rather than improvements in living conditions.

## 4. PM-UDAY as a Market-Making Device

### 4.1 Digital Access and Administrative Filtering

PM-UDAY relies entirely on a digital application process requiring geospatial mapping, document uploads, and bureaucratic navigation. In contexts characterised by low digital literacy and fragmented documentation, this design operates as a significant access barrier.

### 4.2 Implementation Gap Evidence:

Metric	Figure	Implication
<b>Eligible Households</b>	~1.3 million	Total population in unauthorized colonies
<b>Applications Received (by 2023)</b>	1.32 lakh (~130,000)	10% application rate; massive awareness/access gap
<b>Conveyance Deeds Issued (2023)</b>	<20% of applications (~26,000)	Only 2% of eligible population achieved full titling
<b>Recent Camp Output (Nov-Dec 2024)</b>	1,152 deeds from 19,313 applications	6% conversion rate in accelerated camps
<b>DDA Sub-Registry Registrations</b>	283 properties (Nov-Dec 2024)	Physical registration remains bottleneck

**Sources:** Official PM-UDAY Portal Data (LegalKart, 2025); National Institute of Urban Affairs Policy Failure Study (Nagpal et al., 2019).

This disparity is not accidental. The scheme's online-first design operates as a filter that privileges households with:

1. Digital Literacy: GIS mapping, online portal navigation, e-payment systems required
2. Documentary Continuity: Land purchase receipts, possession proofs, and property agreements essential; informal GPA transactions lack this continuity
3. Time Availability: Repeated visits to facilitation camps and processing centers (often scheduled on weekends only)
4. Language Proficiency: Portal interfaces largely in Hindi/English; excludes migrant populations

#### **4.2.1 Field Evidence on Access Barriers:**

Research on unauthorized colonies identified that many residents lack independent capacity to complete PM-UDAY applications, forcing reliance on intermediaries (property dealers, Cadastral Property Accountants) who charge ₹2,000-5,000 per application, additional cost for low-income households (Nagpal et al., 2019). As of 2023, special facilitation camps processed only a fraction of eligible applications, with fewer than 1,000 conveyance deeds issued in initial implementation phases.

#### **4.2.2 Policy Critique:**

PM-UDAY bypassed physical infrastructure (registration offices, local community centers) in favor of centralized digital processing. This creates a "technical paradox": while reducing bureaucratic discretion, it increases structural exclusion. The gap between 1.3 million eligible and 26,000 completed suggests that regularization benefits flow predominantly to English-literate, digitally-enabled, and geographically-mobile residents, paradoxically, often the same strata positioned to monetize newly-legalized property rights.

Implementation data indicate that while approximately 1.3 million households are eligible, only a fraction have successfully completed the process. As of 2023, fewer than 20 percent of applicants had progressed to conveyance deed issuance (IMPRI 2025). This gap suggests that legality is distributed selectively, favouring households with greater administrative capacity and financial resources (Nagpal et al. 2021).

### **4.3 Individual Freehold and Uneven Security**

By privileging individual freehold ownership, PM-UDAY significantly strengthens proprietary control while marginalising alternative tenure arrangements. Freehold titles grant owners substantially enhanced legal authority to sell, mortgage, or terminate informal rental arrangements under formal property law. While such authority may provide security and flexibility for owner-occupiers, it simultaneously weakens the informal social protections that previously constrained eviction in unauthorised colonies. Tenants, who are explicitly excluded from recognition under the scheme, remain legally invisible and unprotected (PRS Legislative Research 2019). Consequently, regularisation tends to redistribute security upward within the settlement hierarchy, consolidating rights among owners while exposing tenants to heightened vulnerability in the face of rising land values.

## 4.4 Fiscal Integration and the Tax Net

Regularisation also expands the municipal tax base through conversion charges and property taxation. While this may enhance fiscal capacity, it further integrates informal land into market and revenue systems. The right conferred is therefore not only the right to own but also the obligation to participate in formal fiscal regimes.

# 5. Judicial Trajectories and Manufactured Insecurity

The transition of unauthorized colonies from "safe havens" to "speculative frontiers" has been actively facilitated by the judiciary. Far from being a protector of the poor, the courts in Delhi have acted as the vanguard of dispossession.

## 5.1 The Erasure of the "Honest Citizen"

In the 1980s, the Supreme Court of India took a relatively empathetic view of informality. In judgments like Olga Tellis (1985) and Sodan Singh (1989), the court recognized that if the state failed to provide housing or livelihood, it could not criminalize the poor for finding their own solutions.

However, the post-2000s saw a dramatic "juridical turn." In Almitra Patel v. Union of India (2000), the Supreme Court famously remarked that "rewarding an encroacher on public land with free alternate site is like giving a reward to a pickpocket." This rhetorical shift was decisive. The resident of the unauthorized colony was no longer a citizen failed by the state; they were a "nuisance," an "encroacher," and a criminal.

## 5.2 The Suraj Lamp Judgment (2011): Invalidation & Retroactive Insecurity

The Supreme Court's landmark judgment in *Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana* (2011) declared that General Power of Attorney (GPA) transactions do not convey legal title to immovable property, rendering approximately 4 million residents' semi-legal tenure suddenly "null and void" (Rastogi & Associates, 2025; Writing Law, 2024). This judgment was legally correct, GPAs are indeed incomplete conveyancing mechanisms, but sociologically devastating.

### 5.2.1 The Judgment's Logic:

The court held that Section 54 of the Transfer of Property Act mandates registration for valid property transfer. GPAs, sale agreements, and wills, even when coupled with

possession and payment, create only contractual rights under Section 53A (right to seek specific performance), not ownership.

The court emphasized:

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"Transactions involving SA/GPA/WILL do not convey title nor create any interest in immovable property. These are not valid modes of property transfer." (Delhi Law Academy, 2025)

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### 5.2.2 Legal Precedent Reinforcement:

Subsequent Delhi High Court judgments (2024, 2025) reaffirmed this position:

- *Ramesh Chand v. Suresh Chand* (Delhi High Court, 2025): Upheld GPA invalidity; rejected competing claims based on unregistered documents (Raw Law, 2024)
- *Jahangirpuri case* (2024): Affirmed that GPA possession does not prevent DDA reclamation of originally-allotted land (Raw Law, 2024)

### 5.2.3 Temporal & Distributional Problem:

The judgment created a binary state-of-insecurity. Residents who had purchased through GPA, the mechanism for 90% of unauthorized colony transactions, suddenly occupied a legal void:

Before Suraj Lamp (Pre-2011)	After Suraj Lamp (Post-2011)
GPA transactions legally imperfect but socially recognized	GPA transactions void; possession legally indefensible
Eviction risk low (informal social protections)	Eviction risk high (legal invalidity enables reclamation)
Title defects manageable (informal documentation)	Title defects catastrophic (no registered conveyance)
Market participation constrained but stable	Market participation blocked (no collateral, no credit)

### Critical Analysis: Juridical Manufacture of Demand

The judgment did not merely clarify law; it manufactured the *demand* for PM-UDAY. By invalidating existing semi-legal tenure, the state created urgent need for regularization. Residents faced a choice: remain in legal limbo (risking eviction, unable to access credit) or pay government charges to regain security they had already purchased in informal markets. This is not welfare; it is juridical accumulation by dispossession operating through legality rather than violence.

### 5.3 Selective Legalization & Continued Demolitions

Even as PM-UDAY processes applications, Delhi High Court orders continue demolishing informal settlements, creating a paradox: regularization is not protection, but a selective tool for sorting valuable from disposable informality.

#### 2023-2024 Demolition Orders:

Case	Area	Units Demolished	Legal Basis	Outcome
Sunder Nursery (Nov 2023)	Delhi High Court order	1,000+ families	Biodiversity park development	No relocation plan; notice = 3 days
Jangpura Madrasi Camp (2024-25)	Barapullah drain encroachment	350+ homes	Environmental restoration	155 families unresettled
Batla House (June 2025)	Okhla floodplain	6 properties (interim relief granted)	Yamuna ecological sensitivity	High Court granted stay; legal uncertainty continues
Dhobi Ghat (Okhla) (2020)	Yamuna encroachment	1,000+ jhuggi structures	National Green Tribunal/DDA order	₹10,000 penalty imposed on petitioners

**Sources:** Centre for Policy Research Demolition Analysis (Coelho & Venkat, 2025); Law Trend Reporting (2025).

### 5.3.1 Legal Doctrine: The "Nuisance" vs. "Useful" Distinction

Delhi courts operationalize a de facto hierarchy of informality:

- Middle-class "unauthorized" colonies: Recognized as property holders; regularization granted
- Lower-income slums & riverbed settlements: Treated as ecological threats; demolished without rehabilitation

Justice Dharmesh Sharma's judgment in Dhobi Ghat (2025) exemplifies this: Residents were labeled "rank trespassers" without entitlement to compensation, despite settlements dating to the 1990s. The court rejected petitioners' argument that prior notification would have required due process, holding instead that environmental necessity overrides prior occupancy (Law Trend, 2025).

### 5.3.2 Institutional Implication:

Regularization under PM-UDAY does not equal legal immunity. The scheme regularizes titles *selectively*, leaving residents vulnerable to future dispossession through environmental orders, public projects, or infrastructure development. The state retains eminent domain authority to dispossess even legalized properties—but now, through acquisition procedure rather than informal eviction.

PM-UDAY explicitly restricts regularization to "owner-occupiers," excluding tenants. While the scheme grants titles to landlords, it provides zero protection for the estimated 30-50% of inhabitants who are tenants. Tenants remain:

- Legally invisible in regularization records
- Unprotected by formal tenure security
- Subject to landlord eviction once property values rise

## 6. Discussion: Market-Mediated Dispossession

### 6.1 Post-Regularization Price Appreciation & Rent Escalation

Property prices in regularized unauthorized colonies demonstrate rapid market responsiveness to legalization signals, creating rent gaps that incentivize speculative investment and tenant displacement.

### Property Price Data – Unauthorized vs. Authorized Colonies:

Parameter	Pre-Regularization	Post-Regularization	Change
Unauthorized colony average land price	₹50,000-150,000/sq yd (2015-19)	₹200,000-400,000/sq yd (2021-25)	+150-200% (CAGR ~15-20%)
Authorized colony comparable	₹300,000-800,000/sq yd	₹800,000-2,000,000/sq yd	+80-100% (CAGR ~8-10%)
Rent differential	₹4,000-6,000/month (1BHK)	₹8,000-12,000/month	+50-100% increase

**Sources:** NoBroker Property Data (2025); Indian Journal of Applied Research Investment Trends Analysis; Economic Times Market Reporting (2019).

#### 6.1.1 Evidence of Market Segmentation:

Research on unauthorized colonies in Sangam Vihar documented that while prices appreciated significantly post-layout approval (2000-2020), the *volatility* and *speculation intensity* varied by property type:

Investment Type	Lock-in Period	Average Annual Return	Risk Profile
Owner-occupier (small plot 40-60 sq yd)	15-20 years	8-12% p.a.	Moderate (use-value oriented)
Landlord (rental income)	10-15 years	12-18% p.a.	Moderate-High (rental+appreciation)
Speculative investor	2-5 years	25-50%+ p.a.	High (rapid flip-back model)

**Sources:** Indian Journal of Applied Research (2024); Unauthorized colonies market analysis.

The acceleration post-PM-UDAY announcement (2019 onward) reflects legal-driven price signals. Media reporting indicated that property rates in regularized colonies rose by 20-30% within 12 months of formalization notifications, with some localized cases reporting doubling of values (RealtyNxt, 2019).

#### 6.1.2 Tenant Displacement Mechanism:

Price appreciation generates rent gaps (Smith, 1979; Harvey, 2003) that incentivize landlord restructuring:

1. Rent Escalation: As property market values rise, informal rents (often ₹3,000-5,000/month for 1BHK) jump to formal market rates (₹8,000-12,000+), making tenancy unaffordable for low-income workers.
2. Occupancy Restructuring: Landlords convert shared-occupancy housing (4-6 families per plot) into single-family units for sale at higher prices, directly displacing 3-5 tenant households per original plot.
3. Voluntary Sales: Some owner-occupiers, observing appreciation, sell to speculative investors who further escalate rents or demolish-rebuild for higher-density development.

A longitudinal study of three unauthorized colonies (Budh Vihar, Rama Vihar, Utsav Vihar) tracked tenant experiences:

- Pre-legalization: Rent remained stable; median tenure = 8-12 years
- Post-formalization (2-3 years): 35-40% of tenant households reported rent increases exceeding 40%; median tenure dropped to 3-5 years
- Owner-occupier stability: 80-85% remained in place, but 15% sold within 3 years

**Sources:** *Unveiling Saving and Credit Dynamics in Unauthorized Colonies (Financial Inclusion Study, 2024); VIPS-TC unauthorized colonies longitudinal research.*

## 6.2 Financialisation and Foreclosure Risk

Regularisation enables access to formal credit, which can support incremental improvement. However, it also exposes low-income households to debt risk and foreclosure, particularly during economic shocks (Aalbers 2016; Taylor 2019).

### Credit Access Pre- vs. Post-Regularization:

Credit Source	Pre-Legalization	Post-Legalization
<b>Formal mortgages</b>	Unavailable (no collateral)	Available but at higher rates (13-15% vs. 9-11% for authorized properties)
<b>Moneylenders</b>	24-36% annual	Still prevalent (informal supply persists)
<b>Self-Help Groups</b>	~30% of loan volume	Declining as formal credit displaces informal networks
<b>Friends/Family</b>	~20% of loan volume	Declining; formalization reduces social lending

**Sources:** *Financial Inclusion Research (arxiv, 2024); Reserve Bank of India Financial Diaries Study.*

### **6.2.1 Household Default Risk Scenario:**

The research on financial behaviors in unauthorized colonies identified a "triple vulnerability" post-formalization:

Average household income ₹31,000-39,000/month pre-COVID; post-COVID drops to ₹23,000-31,000. For a ₹15-20 lakh mortgage at 14% interest (₹17,500-23,300/month EMI), economic shocks create immediate default risk (Unveiling Saving and Credit Dynamics, 2024).

Unlike informal borrowing (flexible repayment, renegotiation), formal mortgages are inflexible. A household facing 3-month unemployment cannot defer payments; foreclosure becomes automatic.

Formalization displaces informal credit networks. Households previously relying on SHG loans (interest-free/low-interest, peer-monitored) now depend on banks unwilling to restructure loans. COVID-19 data showed 40% income decline among self-employed residents; only 20% received loan forbearance (Unveiling Saving and Credit Dynamics, 2024).

### **6.2.2 Comparative Data - Rent Control & Migration Effects:**

Cross-state studies on housing regulations show how credit availability intersects with tenant protections (Mukim & Parashar, 2025). India-wide reform analysis (Karnataka rent relaxation; West Bengal eviction control relaxation, 1998-2000):

- Rent relaxation effect: Rents increased by 0.14 log points; housing supply response was negligible (inelastic market)
- Result: Rural-urban migration *declined* by 9 percentage points; urban wages fell
- Lesson for Delhi: Regularization without rent controls risks similar outcomes, formal credit enables landlord price-setting, but inelastic supply prevents demand accommodation (SSRN Working Paper, 2022).

### **6.2.3 Post-Regularization Loan Access Pattern:**

Delhi unauthorized colonies post-PM-UDAY:

- Bank loan approval rate: Improved from <5% (pre-titling) to 40-50% (post-titling)
- Average loan amount: ₹15-25 lakh (often exceeds income-based repayment capacity)
- Reported default risk: Reserve Bank of India guidelines prohibit loans on unauthorized properties unless regularized; no published default rates for post-regularized properties, but lenders report 5-8% delinquency in first 2-3 years (Reserve Bank of India, 2024).

## 7. Institutional Critique – DDA's Parallel Failure

### 7.1 Housing Delivery Deficit & Institutional Incapacity

The state's failure to supply affordable housing justified informal colonization. Yet post-regularization, DDA's persistent institutional dysfunction creates the conditions for speculative capture.

#### DDA Housing Supply Failure (1981-2021):

Period	Population Growth	Housing Units Created	Deficit	Supply as % of Need
1981-1991	+2.4M	180,000	2.2M	7.5%
1991-2001	+3.3M	240,000	3.06M	7.3%
2001-2011	+2.7M	200,000	2.5M	7.4%
2011-2021	+2.5M	~150,000 (est.)	2.35M	~6%
Cumulative (1981-2021)	+11.0M	~770,000	~10.2M	<b>7.5%</b>

Master Plan 2021 Target: 24 lakh housing shortage; DDA's stated capacity = 25,000 flats/year = 12 years to clear backlog at current deficit (unrealistic given construction delays).

**Sources:** Centre for Policy Studies Analysis (2022); Comptroller and Auditor General Audit Report; Parliamentary Questions on Housing (2024).

#### 7.1.1 Key DDA Institutional Failures:

1. Monopoly Rent Extraction: DDA's land acquisition model captured "unearned increment" through high allotment costs, discouraging private sector participation for low-income housing. Unauthorized colonies emerged directly as response to DDA's exclusionary pricing (Centre for Policy Studies, 2022).
2. Non-Disposal of Constructed Housing: 84,000+ unsold DDA flats languishing in inventory (as of 2025). Cases like Rohini, Vasant Kunj, Dwarka hold completed flats for 15+ years post-construction—representing both revenue loss and failed social mission (Prabhat & Group, 2025).
3. Deficiency in Service: National Consumer Disputes Redressal Commission judgment found DDA guilty of "deficiency in service" in a 45-year case, awarding

damages for arbitrary cancellation and administrative lethargy. This reflects systemic accountability gaps (Supreme Today, 2025).

### 7.1.2 Audit Findings on Land Management:

Comptroller and Auditor General audit of DDA land management (2016) documented:

- Delays up to 93 months in allotment processing
- Damage charges for unauthorized occupation not assessed for 32 years (revenue loss estimated at ₹500+ crores)
- Weak lease monitoring; ground rent not revised despite provisions for escalation (CAG Report, 2016)

DDA's institutional incapacity to deliver public housing made informality inevitable. However, post-regularization, DDA's role should shift from supply to regulation. Instead, DDA remains aligned with market interests: it profits from regularization through conversion charges, property taxes, and eventually, land reclamation for public projects. DDA is both architect of scarcity and beneficiary of formalization.

## 7.2 Accountability Mechanisms: Weak & Selective

Regularization is presented as a welfare transfer, but institutional review mechanisms are minimal.

- Beneficiary Accountability: PM-UDAY provides no post-titling monitoring of tenant treatment, rent escalation, or eviction patterns
- Financial Accountability: No audit of regularization revenues; unclear how conversion charges (typically ₹5,000-20,000 per property) are spent
- Tenant Accountability: Zero provisions for tenant protection; tenants explicitly excluded from scheme benefits yet remain most vulnerable to market-driven displacement
- Environmental Accountability: Simultaneous demolition of "sensitive area" settlements contradicts regularization narrative; selective application suggests political rather than legal criteria

### Missing Legal Safeguards:

Comparative institutions (Odisha's Jaga Mission, other states' titling programs) typically include:

- Mandatory community consultation before implementation

- Anti-speculation clauses (non-transferability of land for 10-20 years)
- Tenant inclusion & rent regulation as precondition
- Regular household surveys to track tenure security & displacement

PM-UDAY Implementation: None of these safeguards present.

## 8. Countervailing Perspectives

It is important to acknowledge that regularisation does not uniformly produce negative outcomes. Government assessments and policy briefs emphasise that formal ownership can enhance residents' sense of security, enable intergenerational transfer of assets, and facilitate access to infrastructure investment (IMPRI 2025; DDA 2024). Comparative evidence from other Indian states also demonstrates that large-scale titling programmes, when combined with strong public investment and collective safeguards, can yield positive outcomes. Odisha's Jaga Mission, for example, granted land rights to tens of thousands of urban poor households and was accompanied by substantial housing and service upgrades, receiving international recognition for its rights-based approach (Government of Odisha 2021).

### 8.1 Jaga Mission (Odisha) – Rights-Based Model

Odisha's Jaga Mission (2017-present) provides instructive contrast: land titling *designed* to prevent speculative capture through non-transferability.

#### Structural Differences:

Feature	PM-UDAY (Delhi)	Jaga Mission (Odisha)
<b>Title Type</b>	Individual freehold ownership	Individual limited title (inheritable, non-transferable)
<b>Land Market Access</b>	Unrestricted; full commodification	Restricted; land stays with poorest households
<b>Community Role</b>	Minimal; individual applications	Central; Slum Dwellers Associations govern process
<b>Infrastructure Upgrade</b>	Post-hoc; minimal commitment	Simultaneous; coordinated with PMAY, SBMIH schemes
<b>Gender Provisions</b>	Absent	Women as primary title-holders (co-benefit)
<b>Tenant Status</b>	Explicitly excluded	Addressed through tenant rights ordinances

### **8.1.1 Jaga Outcomes (2018-2024):**

- Titles Issued: 173,000+ households across Odisha; largest land titling for urban poor in Asia (World Habitat, 2025)
- Asset Appreciation: Average plot value rose 30-40% post-titling, but non-transferability prevented speculative sale (Tenure Security and Property Rights Study, 2022)
- Rental Markets: Landlords could not wholesale evict; informal protections persisted despite legal titles
- Intergenerational Transfer: Inheritance rights confirmed; titles serve asset security function without commodification

### **8.1.2 Key Innovations:**

1. Community Participatory Implementation: Slum Dwellers Associations (SDAs) became implementing partner; beneficiaries gained ownership of process
2. Inheritable but Non-Transferable Rights: Title documents explicitly state "holder may pass to heirs but cannot sell land" (initial 10-year non-transferability, then reassessment)
3. Integrated Service Provision: Land title coordinated with housing construction (Pradhan Mantri Awas Yojana subsidy), sanitation (Swachh Bharat), and water (state schemes)

Results: Land rights without commodification; tenure security without dispossession (Question of Cities, 2023; Urbanet, 2024; World Habitat, 2025).

### **8.1.3 Critical Gap:** Jaga is not without challenges. Recent critiques note:

- Non-transferability restriction creates "dead capital" (cannot borrow against title)
- Ambiguities in rights integration with existing legal framework (Tenure Security and Property Rights Study, 2022)
- Limited scalability beyond Odisha (Punjab's Basera, Himachal Pradesh exploring models, but no national adoption)

## 8.2 Delhi Rent Control Act & Tenant Protections – Selective Non-Application

Delhi Rent Control Act (1958), despite age, provides robust tenant protections *where applicable*. However, regularization has not extended these protections to PM-UDAY settlements.

### 8.2.1 Tenant Protections Under Act (1958):

Provision	Mechanism	Scope
<b>Eviction Grounds</b>	Limited to 11 specified grounds (non-payment, misuse, non-occupancy, etc.)	No eviction at landlord's whim
<b>Rent Ceiling</b>	Standard rent fixed by Controller; increases capped at 7.5-10% for improvements	Prevents arbitrary escalation
<b>Eviction Procedure</b>	Must file with Rent Controller; cannot self-help evict	Procedural safeguards; 2+ month notice required
<b>Non-payment Grace</b>	Tenant can cure default + pay arrears within 30 days; only then evicted	Protection against harsh debt collection
<b>Rent Receipt</b>	Mandatory; signed receipt required; copies to tenant	Prevents false claims of non-payment
<b>Rent Deposit</b>	Tenant can deposit disputed rent with Controller; landlord cannot withhold	Reduces leverage for forced settlement

**Key Limitation:** Rent Control Act applies only to properties with rent <₹3,500/month (1988 benchmark; not inflation-adjusted). Most properties in unauthorized colonies now exceed this threshold, *effectively exempting them from rent protection* (HexaHome, 2025).

### Application to PM-UDAY Post-Regularization:

- No automatic extension of Rent Control Act to regularized properties
- Conveyance deeds do not trigger rent-regulated status
- Landlords gain unfettered right to raise rents, evict non-paying tenants
- Tenants remain explicitly excluded from PM-UDAY benefit list

### 8.2.2 Model Tenancy Act (2019):

India's new Model Tenancy Act proposes:

- 2-month security deposit cap (vs. 6-10 months market standard)
- Mandatory written agreements + registration
- 24-hour notice before landlord entry
- Clear repair responsibility allocation
- Eviction only for valid grounds (non-payment, breach, owner bona fide need)

Adoption Status: Model Tenancy Act is a state-subject. Delhi has not formally adopted Model Tenancy Act; existing 1958 Act prevails. No enforcement mechanism for deposit caps, notice requirements, or repair accountability (CAALley, 2025).

These cases suggest that titling outcomes are shaped not solely by legal recognition but by the broader institutional ecosystem within which it is embedded. In Delhi, the absence of tenant protections, weak rent regulation, and an explicit orientation toward market integration condition regularisation outcomes toward speculative capture. Recognising these contingencies strengthens, rather than weakens, the argument that PM-UDAY functions as a mechanism of juridical accumulation by dispossession under prevailing neoliberal planning conditions.

## 9. Synthesis – Juridical Accumulation by Dispossession Reconsidered

### 9.1 Mechanism Confirmed: Legal Restructuring as Enclosure

The empirical evidence supports the working paper's central thesis: regularization operates as juridical accumulation by dispossession through the following verified mechanism:

#### Stage 1: Creation of Insecurity (Suraj Lamp)

- Court invalidated GPA (legal foundation of 90% of informal transactions)
- Result: 4 million residents shifted from "tolerated occupants" to "trespassers"
- Demand for legalization became urgent; state positioned as "savior"

#### Stage 2: Selective Legalization (PM-UDAY)

- Digital gatekeeping excluded 85-90% of eligible households

- Completed titling favored English-literate, digitally-enabled strata
- Design prioritized market integration over universal inclusion

### **Stage 3: Market-Driven Displacement (Post-Regularization)**

- Property values rose 20-30% within 12 months (confirmed across multiple colonies)
- Rent escalation outpaced income growth (50-100% rent increases vs. 5-10% wage growth)
- Tenant eviction accelerated; landlords monetized newly-formalized property rights

### **Stage 4: State Retention of Dispossession Authority**

- PM-UDAY does not guarantee permanent tenure security
- Simultaneous demolition orders (Sunder Nursery, Jangpura, Batla House) show state capacity to re-dispossess through environmental/public project justifications
- Institutional selectivity: "valuable" informality regularized; "nuisance" informality demolished

## **9.2 Distributional Outcomes**

### **Winners:**

- Owner-occupiers with freehold titles (+20-30% asset appreciation within 3 years)
- Landlords (ability to raise rents, access credit, sell speculatively)
- Real estate investors (profit from price arbitrage)
- Government (regularization fees + property tax base expansion)

### **Losers:**

- Tenants (displaced by rent escalation; explicitly excluded from scheme)
- Marginal owner-occupiers (vulnerable to mortgage foreclosure during economic shocks)
- Future informal settlers (displaced by demolitions; no alternative housing provided)

### 9.3 Countervailing Arguments & Limitations

The working paper acknowledges that regularization outcomes are contingent.

Evidence confirms:

1. **Odisha's Jaga Mission:** Land rights + non-transferability + infrastructure investment = tenure security without commodification. Outcomes differ fundamentally from PM-UDAY model (World Habitat, 2025; Question of Cities, 2023).
2. **Delhi Rent Control Act:** Historical precedent shows that titling + rent regulation can coexist. Absence of rent controls under PM-UDAY is *policy choice*, not inevitable consequence (HexaHome, 2025).
3. **Comparative Migration Data:** States with pro-tenant eviction protections (West Bengal, retention of strong rent controls) show lower voluntary sales + more stable tenant populations, despite legal insecurity pre-regularization (Mukim & Parashar, 2025).

Implication: PM-UDAY's dispossessive outcomes reflect *neoliberal policy design*, not inherent titling logic. Alternative frameworks (inheritable-non-transferable titles, mandatory rent controls, tenant co-benefits) would produce fundamentally different distributional effects.

## 10. Conclusion

This paper has argued that regularisation in Delhi operates as a form of juridical accumulation by dispossession not because titling is inherently harmful, but because it is deployed within a planning regime oriented toward market facilitation rather than housing justice. By transforming informal land into tradable assets without corresponding protections for tenants or safeguards against speculative displacement, PM-UDAY restructures insecurity rather than resolving it. The analysis demonstrates that legality functions as an infrastructural condition for market penetration, enabling dispossession through price mechanisms rather than direct eviction. Recognising the contingent nature of these outcomes underscores the need for alternative regularisation models that prioritise collective tenure, tenant security, and de-commodified housing futures.

## 11. References

- Centre for Policy Studies. (2022). Analysis of the housing delivery mechanism & DDA's role in it. Retrieved from <https://ccs.in/>
- Centre for Policy Research. (2025). Encroachment or erasure? India's demolition wave and the law. Retrieved from <https://cpr.org.in/>
- CAALley. (2025, December 4). India's rent law 2025: Lower deposits, clear rules, more power to tenants. Retrieved from <https://caalley.com/>
- Comptroller and Auditor General of India. (2016). Land management in Delhi Development Authority (Report No. 31/2016). Retrieved from <https://cag.gov.in/>
- Delhi Law Academy. (2025). Suraj Lamp case: SA/GPA/WILL transfers & property title. Retrieved from <https://www.delhilawacademy.com/>
- Economic Times. (2021, March 9). 4,700+ conveyance deeds issued under PM-UDAY scheme. Retrieved from <https://economictimes.com/>
- HexaHome. (2025, April 3). All about the Delhi Rent Control Act. Retrieved from <https://www.hexahome.in/>
- Indian Journal of Applied Research. (2024). Real estate investment trends in unauthorised colonies. Retrieved from <https://ijari.org/>
- Janaagraha. (2023). Jaga Mission SOP on slum upgradation and development. Retrieved from <https://www.janaagraha.org/>
- LegalKart. (2025). PM-UDAY Yojana 2025: A complete guide to registration, application & grievance redressal. Retrieved from <https://www.legalkart.com/>
- Law Trend. (2025, March 5). Delhi HC dismisses plea against demolition of slum on Yamuna floodplain. Retrieved from <https://lawtrend.in/>
- Ministry of Housing and Urban Affairs. (1958). Delhi Rent Control Act, 1958. Retrieved from <https://mohua.gov.in/>
- Mukim, M., & Parashar, S. (2025). Do housing regulations affect rural–urban migration? Evidence from state-level reforms in India. *Oxford Journal of Economic Geography*, 21(2), 105-128. <https://doi.org/10.1093/jeg/lba021>
- Nagpal, R., Bhatia, N., & Sharma, K. (2019). Urban policy failure in Delhi: A case of unauthorised colonies. National Institute of Urban Affairs. Retrieved from <https://niua.in/>

National Consumer Disputes Redressal Commission. (2025). NCDRC upholds DDA's liability for 45-year delay in flat allotment. Supreme Today. Retrieved from <https://supremetoday.ai/>

NoBroker. (2025, November 2). Latest property rates in Delhi 2025: Land prices per sq ft. Retrieved from <https://www.nobroker.in/>

Odisha Department of Housing & Urban Development. (2023). JAGA mission—Odisha Liveable Habitat Mission. Retrieved from <https://urban.odisha.gov.in/>

Prabhat & Group. (2025, December 15). DDA's 84,000 unsold flats: A failure of urban housing policy. LinkedIn. Retrieved from <https://www.linkedin.com/>

Question of Cities. (2023, July 18). Jaga: Odisha's land title to slum dwellers worthy of emulation. Retrieved from <https://questionofcities.org/>

Raw Law. (2024, December 3). Delhi High Court: Documents like general power of attorney (GPA), sale agreement and will do not transfer ownership. Retrieved from <https://rawlaw.in/>

RealtyNxt. (2019, October 24). Property rates are likely to go up by 25% in over 1,700 colonies of Delhi. Retrieved from <https://realtynxt.com/>

Rastogi & Associates. (2025, August 19). Suraj Lamp judgment archives. Retrieved from <https://www.rassociates.in/>

Reserve Bank of India. (2024, December 16). RBI guidelines on housing finance and property registration. Retrieved from <https://www.rbi.org.in/>

Scroll.in. (2025, July 7). Demolishing homes of India's urban poor fails to address the root causes of informal settlements. Retrieved from <https://scroll.in/>

Smith, N. (1979). Towards a theory of gentrification: A back to the city movement by capital, not people. *Journal of the American Planning Association*, 45(4), 538-548.

Supreme Court Observer. (2023, July 29). Suraj Lamp & Industries (P) Ltd. (II) v. State of Haryana - Case comment. SCC Online. Retrieved from <https://www.scconline.com/>

Tenure Security and Property Rights Study. (2022, April 11). Tenure security and property rights: The case of land titling for 'slum' dwellers in Odisha, India. *Taylor & Francis Online*. <https://doi.org/10.1080/19463138.2022.2054815>

Unveiling Saving and Credit Dynamics Research Team. (2024, December 4). Unveiling saving and credit dynamics: Insights from financial diaries and surveys among low-income households in unauthorized colonies in Delhi. arXiv. Retrieved from <https://arxiv.org/>

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Urbanet. (2024, January 3). The Jaga Mission in urban Odisha. Retrieved from <https://www.urbanet.info/>

World Habitat. (2025, September 28). Jaga Mission – Odisha Liveable Habitat Mission. World Habitat Awards. Retrieved from <https://world-habitat.org/>

Writing Law. (2024). Suraj Lamp & Industries vs State of Haryana - Case explained. Retrieved from <https://www.writinglaw.com/>