



**SCHOOL OF PLANNING AND ARCHITECTURE, NEW DELHI**

**REGULARISATION AS ACCUMULATION BY DISPOSSESSION**

**IN NEOLIBERAL TIMES**

*Property and Displacement in Delhi's Unauthorised Colonies*

Submitted By:

**ARNAV (BP/926/2022)**

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## **Abstract**

Delhi's unauthorised colonies, housing over 4 million residents represent one of the most complex planning challenges in the Global South. While regularisation policies such as the 2019 PM-UDAY (Pradhan Mantri Unauthorised Colonies in Delhi Awas Adhikar Yojana) are presented as instruments of social equity and tenure security, this dissertation reinterprets them through the theoretical lens of Accumulation by Dispossession (Harvey, 2003, 2005, 2008). It argues that regularisation operates less as a pro-poor planning tool and more as a juridical mechanism of neoliberal accumulation, wherein the state facilitates the commodification of informal land through legal recognition and formal property rights.

This dissertation interrogates the distributive consequences of regularisation through integrated critical urban theory frameworks, specifically extending David Harvey's accumulation by dispossession concept (Harvey, 2003, 2005), Ananya Roy's epistemology of urban informality (Roy, 2005, 2009), Oren Yiftachel's conceptualisation of "gray spaces" within neoliberal planning regimes (Yiftachel, 2009), Debasish Ghertner's analysis of aesthetic governance and juridical control (Ghertner, 2014, 2015), and Ashok Kumar's analysis of planning as capital accumulation apparatus (Kumar, 2011). The research argues that regularisation operates fundamentally as a state-facilitated neoliberal mechanism enabling commodification and formalisation of informal land, transforming settlements from sites of social reproduction into frontiers for capital accumulation and speculative real estate markets.

The study examines how this process framed as "housing reform" in fact converts informal settlements into speculative real estate frontiers, producing market-led displacement and transforming planning into an instrument of capital accumulation. Using case studies from seven unauthorised colonies in Delhi, it analyses temporal changes in land value, property transactions, and tenure conversion patterns following regularisation announcements. The research develops the concept of juridical accumulation by dispossession, identifying how formalisation and commodification together enable capital circulation within previously informal spaces. The findings reveal that regularisation disproportionately benefits middle-class homeowners, landlords, and speculative investors, while structurally marginalising low-income tenants and migrant households. The dissertation concludes by proposing an alternative planning framework that re-centres housing security, spatial justice, and the right to the city as core planning objectives over neoliberal accumulation logics.

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## CHAPTER 1: INTRODUCTION

### 1.1 Background and Context

Delhi's unauthorised colonies represent one of the most enduring and complex challenges in contemporary Indian urbanism. As of 2023, the National Capital Territory of Delhi accommodates over 4 million residents across approximately 1,731 unauthorised colonies, constituting nearly one-third of the city's total population (Mahdi, 2023; Delhi Development Authority, 2024). These colonies emerged historically as the spatial manifestation of India's urban housing deficit and exclusionary land market dynamics. Exorbitant land prices, restrictive zoning regulations, and the limited supply of formal affordable housing have forced lower and middle-income groups to inhabit informally subdivided land parcels beyond the purview of official master plans (Roy & AlSayyad, 2004).

Despite their extralegal status, these colonies are deeply embedded within Delhi's socio-economic fabric, serving as labour reservoirs and affordable housing stock for the city's working class (Bhagia, 2024). Yet they have also become critical sites where state institutions, property markets, and residents negotiate competing claims over land, legality, and citizenship (Ghertner, 2014, 2015). The regularisation of these settlements, where the state retrospectively grants legal recognition and property titles, has been repeatedly framed by policymakers as a pro-poor intervention aimed at ensuring tenure security and infrastructural inclusion (Ministry of Housing and Urban Affairs, 2019).

However, this research argues that regularisation is not merely a housing policy but a deeply political and economic process embedded within neoliberal planning logics. Far from resolving housing insecurity, regularisation facilitates the commodification of informal land and integrates it into speculative real estate markets. This occurs through what David Harvey (2003, p. 145) conceptualises as accumulation by dispossession, a process by which capital expands by appropriating and commodifying previously non-market spaces and resources.

Delhi's 2019 PM-UDAY (Pradhan Mantri Unauthorised Colonies in Delhi Awas Adhikar Yojana) serves as a pivotal case through which these dynamics can be empirically examined. Announced as a historic effort to grant ownership rights to residents of unauthorised colonies, PM-UDAY sought to formalise tenure through legal recognition and digital registration of property ownership (Delhi Development Authority, 2019). Yet, almost immediately after its announcement, real estate data and anecdotal evidence indicated sharp increases in land values and rent levels in many of the targeted colonies (Bhagia, 2024; Economic Times, 2024). Rather than empowering residents, regularisation appeared to trigger speculative urbanism, benefitting middle-class homeowners and landlords while pushing vulnerable tenants and migrants further toward the urban periphery.

### 1.2 Need of the Study

The persistent mismatch between the stated objectives and the actual outcomes of regularisation schemes underscores a critical need to interrogate their structural and distributive consequences. The dominant narrative of pro-poor urban reform obscures

the ways in which state-led formalisation processes often reproduce and even intensify inequality (Roy, 2005; Kumar, 2011).

In neoliberal times, the state does not retreat from planning but rather reconfigures its role to actively enable market expansion (Harvey, 2005; Goldman, 2021). This is particularly visible in the domain of housing, where planning institutions increasingly operate as facilitators of property production and financialisation rather than as guarantors of equitable access (Aalbers, 2016). Regularisation, within this framework, becomes a juridical tool for transforming informal social relations into monetisable property relations.

In Delhi's context, the need to critically examine this transformation is urgent for several reasons: First, the scale of impact is substantial. With more than 1,700 unauthorised colonies, the implications of regularisation affect a significant proportion of Delhi's population and urban land. Second, there has been a major policy shift represented by the PM-UDAY scheme, which marks a transition from discretionary political regularisation to a digitised, legalistic, and market-compatible model. Third, the displacement occurring is often invisible while demolitions and evictions attract attention, market-driven displacement following formalisation remains largely unexamined (Ghertner, 2014). Finally, there exists a fundamental planning contradiction between planning's stated commitment to social justice and its role in reproducing dispossession through formalisation.

Thus, this dissertation seeks to expose how regularisation, under neoliberal conditions, becomes a mechanism of dispossession rather than empowerment, and why it is imperative for planning scholarship to reconceptualise regularisation beyond its technocratic framing.

### **1.3 Problem Statement**

Regularisation policies in Delhi, epitomised by the PM-UDAY scheme, are consistently presented as inclusive, equitable, and pro-poor. Yet, empirical patterns reveal a sharp disjunction between policy rhetoric and material outcomes. The announcement of regularisation schemes frequently coincides with escalating land prices, speculative transactions, and displacement of low-income tenants, suggesting that such policies primarily benefit capital-owning classes rather than the urban poor (Ghertner, 2014; Bhagia, 2024; Indian Express, 2024).

The core problem lies in the structural contradiction between the stated objectives of housing security and the actual function of capital accumulation. Through formalisation and commodification of informal land, the state effectively enables private capital to extract value from spaces previously excluded from markets. In doing so, planning institutions transform from neutral mediators into active agents of neoliberal accumulation (Kumar, 2011).

Hence, this research identifies regularisation as a form of "juridical accumulation by dispossession" (a concept developed in this dissertation), a mode of market-driven displacement that operates not through overt demolition but through the legal transformation of tenure and value. This subtle dispossession is facilitated by planning's technical language of property regularisation, which legitimises the conversion of use value (housing for living) into exchange value (housing as investment). Such juridical

processes reshape the city's socio-spatial fabric, producing new hierarchies of ownership, legality, and exclusion (Harvey, 2003; Roy, 2005).

## **1.4 Aim and Objectives**

### **Aim**

To critically evaluate how regularisation in Delhi operates as a mechanism of accumulation by dispossession within neoliberal planning regimes, transforming informal land into speculative property markets while producing market-driven displacement of low-income residents.

### **Objectives**

1. To quantify the impact of regularisation announcements on land and property values across selected unauthorised colonies in Delhi, documenting property appreciation rates and identifying temporal correlations between policy announcements and market responses.
2. To examine the distributive outcomes of regularisation among different socio-economic groups (property owners, tenants, landlords, informal workers), revealing unequal patterns of wealth accumulation and dispossession.
3. To theorise the mechanisms through which planning institutions facilitate accumulation by dispossession via formalisation and commodification of informal land, developing the concept of juridical accumulation by dispossession.
4. To critique the pro-poor framing of regularisation and identify its neoliberal characteristics, exposing the contradiction between policy rhetoric and material outcomes.
5. To propose alternative planning frameworks that prioritise housing security, spatial justice, and the right to the city over neoliberal accumulation logics.

## **1.5 Research Questions**

1. Through what mechanisms does regularisation in Delhi facilitate accumulation by dispossession, specifically through the formalisation and commodification of informal land, and who are the primary beneficiaries and losers in this process?
2. How has regularisation reshaped planning's institutional role, transforming it from mediating competing urban claims to actively enabling capital accumulation through market-facilitation?
3. What are the temporal and spatial patterns of property value escalation following regularisation announcements, and how do these patterns correlate with documented tenant displacement rates?

## **1.6 Dissertation Structure**

This dissertation is organised into ten chapters. Chapter 1 introduces the research problem and context. Chapter 2 presents comprehensive literature review and theoretical frameworks, tracing the genealogy from Marxist primitive accumulation

through Harvey's contemporary analysis to planning-specific applications. Chapter 3 contextualises Delhi's housing crisis, unauthorised colonies, and state responses. Chapter 4 examines the PM-UDAY regularisation scheme, analysing its design, implementation progress, and failures to serve target populations.

Chapter 5 presents empirical analysis of land value transformation. Chapter 6 develops the theoretical framework of juridical accumulation by dispossession, specifying its four-stage mechanism. Chapter 7 details mechanisms through which formalisation facilitates capital accumulation. Chapter 8 provides global comparative perspective on alternative regularisation models. Chapter 9 discusses policy implications and proposes alternative frameworks. Chapter 10 concludes with key findings, theoretical contributions, limitations, and directions for future research.

## CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORKS

### 2.1 Marxist Origins: From Primitive Accumulation to Neoliberal Dispossession

Understanding regularisation's role in capital accumulation requires tracing the genealogy from Marx's primitive accumulation concept through contemporary analyses of accumulation in neoliberal contexts. Karl Marx, in Capital Volume I, Chapter 26 ("The Secret of Primitive Accumulation"), establishes foundational conceptual apparatus identifying primitive accumulation as the historical process of divorcing producers from means of production (Marx, 1867/1976). Marx emphasises that this process is not historical prehistory but continuous contemporary reality: "the process does not exist in that 'pure' form which would correspond to the concept" but manifests continuously throughout capitalism's development (Marx, 1867/1976, p. 873).

Primitive accumulation operates through multiple mechanisms identified by Marx: seizure of communal lands; forced separation of peasants from land; creation of workforces obligated to sell labour power; accumulation of money capital through merchant trade and usury; and most fundamentally, violent expropriation establishing conditions for capitalist wage labour systems. Marx emphasises that primitive accumulation is not peaceful historical process but involves coercion, violence, and legal manipulation: "The process of the separation of the producer from the means of production is...written in the annals of mankind in letters of blood and fire" (Marx, 1867/1976, p. 875).

Crucially, Marx and later theorists recognise that primitive accumulation does not conclude but continues as permanent feature of capitalist development. Rosa Luxemburg extends Marx's analysis through developing the concept of continuous accumulation by dispossession. In The Accumulation of Capital (1913/1968), Luxemburg argues that capitalism's expanded reproduction inherently requires access to non-capitalist zones, territories, and populations exterior to capitalist relations. Capital continuously seeks to convert these exterior zones into circuits for capital accumulation. Luxemburg crucially argues that primitive accumulation is not historical prehistory but continuous contemporary process: "the process of accumulation of capital, as a historical process, not just at its Genesis, but up to the present" (Luxemburg, 1913/1968, p. 447). Her analysis reveals how capitalism requires continuous frontiers, perpetually incorporating non-capitalist spaces, destroying non-capitalist social relations, converting commons into commodities.

The application of primitive accumulation concept to contemporary urbanism is particularly relevant for understanding regularisation. Informal settlements represent non-capitalist spaces: property transactions through customary practices (GPA), land use according to household needs rather than market logic, limited integration into formal credit markets. Regularisation, from this perspective, represents contemporary primitive accumulation, forcibly transforming these non-capitalist spaces into capitalist property relations enabling capital extraction and accumulation (Roy, 2005; Luxemburg, 1913/1968).

## **2.2 David Harvey and Accumulation by Dispossession**

David Harvey extends Marxist analysis to neoliberal capitalism through the concept of accumulation by dispossession, articulated across multiple works from *The Limits to Capital* (1982) through *The New Imperialism* (2003), *A Brief History of Neoliberalism* (2005), and *The Right to the City* (2008). Harvey argues that capitalism requires continuous accumulation but encounters overaccumulation crises, situations where surplus capital and labour lack profitable investment outlets. To overcome these crises and absorb surplus capital, capitalism must continually find new frontiers, convert non-capitalist spaces into investment opportunities, and extract wealth from existing commons or informal social arrangements.

Harvey identifies four primary mechanisms of accumulation by dispossession: "(1) the commodification and privatization of land and the forceful expulsion of peasant populations; (2) conversion of various forms of property rights (communal, collective, state) into exclusive private property rights; (3) suppression of rights to the commons; [and] (4) commodification of labour power and suppression of alternative (indigenous) forms of production and consumption" (Harvey, 2003, p. 145). Importantly, Harvey emphasises that accumulation by dispossession operates continuously, not merely historically: "While I do not think that accumulation by dispossession is exclusive to the periphery, it is certainly the case that some of its most vicious and inhumane manifestations are in the most vulnerable and degraded regions within uneven geographical development" (Harvey, 2003, p. 173).

In *The Right to the City* (2008), Harvey explicitly connects accumulation by dispossession to urban processes, arguing that urbanisation itself has become the primary mechanism for absorbing surplus capital: "Urbanisation has played a crucial role in the absorption of capital surpluses...but at the price of burgeoning processes of creative destruction that entail the dispossession of the urban masses of any right to the city" (Harvey, 2008, p. 23). Harvey's framework proves extraordinarily generative for analysing Delhi regularisation because it reveals how urban planning, ostensibly a technical governance mechanism, functions as an instrument for capital absorption and dispossession.

Harvey's spatial fix concept (Harvey, 2001, 2003) proves particularly relevant for understanding speculative responses to regularisation announcements. Harvey argues that capital perpetually searches for new spatial frontiers offering investment opportunities and profit potential. Once capital recognizes newly-marketised spaces through formalization, it responds with rapid investment and value extraction. The 1.95 times acceleration of property appreciation post-regularisation announcement (32.68% CAGR vs. 16.79% pre-announcement) reflects precisely this spatial fix dynamic: capital's recognition of informal land as newly-accessible investment frontier (Harvey, 2001).

## **2.3 Urban Informality: Roy's Epistemology**

Ananya Roy's scholarship fundamentally reconceptualises urban informality from marginal, illicit, spontaneous phenomenon to constitutive, productive, planned outcome. Her epistemological intervention proves essential for understanding regularisation's mechanics. Roy argues in foundational article "Urban Informality:

Towards an Epistemology of Planning" (2005) that informality is not exterior to planning but interior, produced through planning. She writes: "informality is not the absence of planning, but rather the presence of a certain kind of planning" (Roy, 2005, p. 148). Informality emerges through contradictions within planning systems themselves, conflicts between planning regulations and market realities, between formal planning rules and residents' actual housing needs.

Roy distinguishes between two modalities of informality: "elite informality" (rule-bending by developers, state officials, powerful actors) and "poor informality" (informal housing, informal livelihoods of marginalised populations). This distinction proves critical because planning systems simultaneously criminalise poor informality while facilitating elite informality through discretionary regulatory frameworks. Roy's conceptualisation reveals planning's fundamental contradictions: planning simultaneously produces informality through inadequate affordable housing provision, stringent zoning regulations, and exclusionary land controls, while simultaneously criminalising informality through slum demolitions, eviction threats, and denial of services.

For Delhi's regularisation, Roy's framework exposes how state planning created unauthorised colonies through three mechanisms: inadequate formal housing provision resulting in housing shortages forcing informal construction; land acquisition for elite development restricting informal residents' land access; stringent zoning regulations making informal housing illegal by definition. The state then attempts to "solve" this problem through regularisation, but regularisation, by integrating informal settlements into formal markets, reproduces the mechanisms that generated informality initially (Roy, 2009, 2011).

Roy provocatively asks: "What do the worlds of informality and insurgency, when placed in conjunction, contribute to planning theory?" (Roy, 2009, p. 7). This question reframes informality from problem requiring elimination to productive phenomenon containing alternative logics for urban production and social reproduction. Regularisation, within Roy's framework, represents state strategy not to empower informality but to subordinate it to market logics by converting informal social relations into formal property relations (Roy, 2005).

## **2.4 Gray Spaces and Neoliberal Urbanism: Yiftachel's Framework**

Oren Yiftachel's concept of "gray spaces" provides crucial framework for understanding regularisation's ambivalent positioning. Yiftachel argues urban informalities should not be understood as marginal or temporary but as strategic spaces positioned between legality and illegality, integration and exclusion. Yiftachel conceptualises gray spaces as "positioned between the 'whiteness' of legality/approval/safety, and the 'blackness' of eviction/destruction/death" (Yiftachel, 2009, p. 89). Gray spaces contain populations, lands, economies existing partially outside formal state gaze, neither fully integrated nor eliminated.

Critically, Yiftachel argues urban regimes deliberately maintain gray space ambiguity. State neither legalises nor destroys gray spaces but tolerates them in state of perpetual uncertainty, enabling state control through threat of criminalisation, eviction, or regularisation. Residents of gray spaces remain politically marginalised despite demographic significance. Yiftachel further argues that managing gray spaces through

planning constitutes what he terms “creeping urban apartheid,” not formal segregation but diffuse, cumulative process of spatial separation, political marginalisation, and unequal resource access (Yiftachel, 2009).

Yiftachel identifies planning itself as “lynchpin” of urban apartheid system: “Planning is a lynchpin of this urban order, providing tools and technologies to classify, contain and manage deeply unequal urban societies” (Yiftachel, 2009, p. 108). Planning employs apparently neutral technical mechanisms such as zoning, land-use classification, and master plans to serve political-economic interests, spatially reproducing inequality.

For Delhi regularisation, Yiftachel’s framework reveals how formalisation maintains rather than resolves gray space ambiguity. Regularisation converts informal settlements from excluded marginal spaces into formally-recognised but economically vulnerable spaces. Residents gain legal recognition but remain politically marginalised and economically precarious. Regularisation thus perfects state control: residents now formally documented and integrated into property taxation systems while remaining vulnerable to market-driven displacement. The threat of dispossession through rent escalation functions similarly to previous threat of demolition in maintaining political compliance (Yiftachel, 2009).

## **2.5 Aesthetic Governance and Juridical Control: Ghertner’s Contribution**

Debashis Ghertner’s research on Delhi’s slum politics provides crucial analytical framework for understanding how state control over informal settlements operates through mechanisms other than direct violence or legal prohibition. Ghertner’s Rule by Aesthetics (2015) traces historical shifts in how DDA governed slums: the first moment relied on statistical enumeration and legal declarations of illegality functioning through sovereign power; the second moment, beginning approximately 2000, shifted to aesthetic governmentality. Aesthetic governmentality operates through dissemination of norms regarding urban appearance, cleanliness, and civility. Rather than declaring slums illegal through law, aesthetic governmentality positions slums as “nuisances” violations of urban aesthetic norms, of cleanliness standards, of visual orderliness (Ghertner, 2010). This nuisance framing enables legal removal not through expropriation law but through public nuisance doctrine.

Ghertner documents how neighbourhood associations (RWAs, Residents’ Welfare Associations), predominantly middle-class organisations, constructed slums as aesthetic violations and mobilised judicial authority around these aesthetic claims (Ghertner, 2011a). Court judgments shifted from legal grounds (property rights, land acquisition) toward aesthetic grounds (slums as visual nuisances, environmental hazards, urban degradation). Ghertner argues: “Aestheticization of the slum becomes...a technique of governance rendering slums targetable for removal without explicit invocation of law” (Ghertner, 2011b, p. 1567). Aesthetic governance is not merely symbolic but has material consequences: state power operates through normative control to achieve dispossession without appearing to employ direct force.

This analytical framework applies directly to regularisation: formalization can be understood as aesthetic incorporation where informal settlements become aesthetically legitimated through formalization, incorporated into official property registers and zoning categories. Yet this aesthetic legitimization simultaneously positions informal residents as property subjects within market systems where aesthetic incorporation

triggers market-driven dispossession through rent escalation, speculation, and debt servitude. Regularisation achieves juridical aesthetic incorporation: informal settlements transform from aesthetic nuisances to legally-recognized property areas. Yet this legal recognition immediately subjects residents to market mechanisms where aesthetic inclusion paradoxically enables economic exclusion (Ghertner, 2015).

Ghertner's concept of "rule by aesthetics" extends beyond visual appearance to encompass broader normative governance regimes. Through aesthetic and bureaucratic language, state achieves compliance and reshapes urban life without explicit legal coercion. Regularisation employs similar juridical aesthetics: technical language of property formalization, administrative procedures, digital registration all appear procedurally neutral while actually facilitating capital accumulation and dispossession. The aesthetic of legality, order, and progress masks underlying mechanics of market-driven accumulation (Ghertner, 2014, 2015).

## **2.6 Planning as Capital Accumulation: Kumar's Framework**

Dr. Ashok Kumar's analysis of land transformation under neoliberalism directly addresses planning's role in facilitating capital accumulation. Kumar (2011, p. 8) traces how urban planning in India shifted from treating land as a social good (redistributive resource serving collective needs) toward treating land as a commodity (financial asset for profit generation). This shift occurred through three historical phases: colonial planning explicitly designed for accumulation with empire security; post-independence cross-subsidisation models theoretically aimed at equity; and contemporary neoliberal planning facilitating capital circulation.

Kumar's central insight is that planning institutions are not neutral technical apparatuses but political arrangements encoding class interests. He documents how planning systematically "rewards violations when these are committed by the rich" while punishing poor residents' informal practices through demolition and removal (Kumar, 2011, p. 14). The DDA's accumulation of revolving funds through speculative land sales rather than fulfilling pro-poor housing objectives exemplifies this pattern: planning rhetoric promised redistributive equity while institutional practice prioritised capital accumulation.

Kumar traces DDA's institutional evolution through three phases: First phase (1957-1977) involved planning with social purpose, cross-subsidisation mechanisms where DDA used profits from selling expensive land to middle-income groups for subsidising poor housing. Second phase (1977-1991) involved transition toward market logic, where profit maximisation superseded housing provision as institutional objective. Third phase (1991-present) involves explicit neoliberal logic where DDA operates as real estate development corporation, maximising land values and property returns (Kumar, 2011). This institutional transformation reflects broader state transformation under neoliberalism where planning becomes instrument facilitating rather than regulating capital.

Kumar argues that this contradiction is not incidental but structural. Under neoliberalism, planning has become "an apparatus facilitating capital accumulation" where land is progressively reconceptualised from resource for meeting collective needs to investment vehicle generating returns (Kumar, 2011, p. 13). This ideological shift transforms planning's institutional logic: rather than managing competing urban

claims equitably, planning now focuses on creating infrastructure enabling market circulation. Kumar's analysis proves essential for understanding regularisation as latest manifestation of planning's transformation into capital facilitation apparatus (Kumar, 2011).

## 2.7 Planning Theory and Critical Political Economy

Engaging planning theory through critical political economy lens reveals fundamental contradictions within planning discipline itself. Critical planning theorists (Friedmann, 1973; Forester, 1989; Healey, 1997) increasingly question planning's claims to neutrality and technical rationality, arguing instead that planning perpetually reflects and reproduces power relations and class interests. Planning does not mediate competing interests equally but systematically privileges certain groups (property owners, developers, middle-class residents) over others (tenants, informal workers, migrant populations).



**Figure 1** Circular diagram showing five major criticisms connected to neoliberalism.

Neil Brenner's theorisation of multi-scale neoliberal urbanism reveals how contemporary planning operates at multiple geographical scales simultaneously. Brenner argues that "actually existing neoliberalism" involves path-dependent, contextually-specific interactions between inherited institutional arrangements and emergent market-oriented restructuring projects at broad range of geographical scales. Cities, within Brenner's framework, become "strategically crucial geographical arenas" through which neoliberal initiatives and crisis management strategies are articulated. State rescaling processes fundamentally transform traditional urban spaces through reconfiguration of scales of state intervention, creating what Brenner terms

“reterritorialisation” that aligns governance and development agendas to favour capital interests (Brenner & Theodore, 2002).

Michael Goldman’s research on spatial fixes in India reveals how state and capital collaborate to create new investment frontiers. Goldman (2021) argues that neoliberal states deliberately produce spatial crises (housing shortages, infrastructure deficits) that justify market-based “solutions” benefitting capital. These solutions appear technical and neutral (regularisation, privatisation, financialisation) while actually restructuring space to enable capital accumulation. Goldman’s analysis demonstrates that regularisation represents precisely this pattern: state creates tenure crisis through decades of neglect, then proposes market-based solution (regularisation) that actually enables capital accumulation rather than resolving crisis (Goldman, 2021).

This literature reveals planning under neoliberalism as systematically oriented toward facilitating market expansion and capital accumulation while maintaining appearance of serving public interest. Regularisation exemplifies this pattern perfectly: policy framed as pro-poor housing reform while actually facilitating commodification of land and speculative accumulation. Planning scholarship must denature planning’s claims to neutrality and recognise it as deeply political-economic process encoding power relations and capital interests (Brenner & Theodore, 2002; Goldman, 2021).

## **2.8 Financialisation and Commodification of Housing**

Manuel Aalbers’ scholarship on housing financialisation (2008, 2016) reveals how housing transforms from use-value (shelter) to exchange-value (financial asset), with profound consequences for housing security and affordability. Aalbers argues financialisation involves: “(1) the increasing dominance of financial actors, markets, practices, measurements and narratives; (2) the resulting structural transformation of economies, firms, states and households” (Aalbers, 2016, p. 8). Applied to housing, financialisation means mortgage markets expansion, securitisation of housing assets, integration of housing into global financial circuits, and conversion of homeownership into debt-financed speculation.

Importantly, Aalbers demonstrates that housing financialisation does not automatically expand housing provision but paradoxically contracts it. Mortgaged homeownership becomes speculative vehicle where property value appreciation matters more than occupancy, triggering developer speculation, land hoarding, and housing undersupply despite abundant capital availability (Aalbers, 2016). For Delhi, regularisation facilitates financialisation by enabling property-backed mortgages and formal credit access. However, credit is channeled toward speculative property purchases by investors, not productive improvements or affordable housing expansion. Financial inclusion becomes mechanism for extracting wealth from indebted residents rather than enabling wealth accumulation.

Keeanga-Yamahtta Taylor’s concept of “predatory inclusion” (2019) proves particularly illuminating for understanding regularisation’s financial dimensions. Taylor traces US housing history showing how formal financial inclusion of racialised populations through FHA mortgages paradoxically served wealth extraction mechanisms. Mortgaged homeownership, promoted as vehicle for wealth accumulation and social mobility, functioned primarily to extract wealth from debt-burdened residents unable to service debt obligations. Taylor argues “predatory inclusion” represents state

strategy converting excluded populations into debtors rather than genuinely including them into wealth-accumulation systems, deepening precarity rather than security (Taylor, 2019).

Regularisation operates through similar predatory inclusion logic: residents granted formal credit access through mortgaging, yet credit burden transforms into liability rather than asset, particularly when economic circumstances change. Debt-financed property improvements or speculation leave residents vulnerable to foreclosure and loss. Financial inclusion becomes mechanism of financial predation, converting residents into debtors subordinated to financial discipline (Taylor, 2019; Aalbers, 2016).

Approach / School	Security Logic	State's Role	Dispossession Risk
<b>Social-Democratic</b>	Collective good	Direct provision/guarantee	Minimal
<b>Neoliberal/Market</b>	Individual as economic agent	Market facilitator	High (market-mediated)
<b>Critical Urban</b>	Contestation, emancipation	Potential ally or adversary	Depends on mobilisation

*Table 1: Comparative Theoretical Approaches to Housing Security*

## 2.9 Right to the City Framework

Henri Lefebvre's concept of "right to the city" emphasises residents' collective right to participate in producing urban space and accessing urban resources (Lefebvre, 1991). Lefebvre argues cities are primary sites of social reproduction and cultural production, yet capitalism increasingly transforms cities into machines of capital accumulation, subordinating inhabitants' use-value interests to exchange-value logics. Lefebvre writes: "the right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city" (Lefebvre, 1991, p. 158).

David Harvey's extension of Lefebvre argues that right to the city is fundamentally about "freedom to remake ourselves by the process of reshaping our cities" (Harvey, 2008, p. 23). Yet this freedom is systematically denied to urban poor through gentrification, displacement, and market-driven urbanisation. Harvey argues contemporary urban processes produce what he terms "urban apartheid" where city's benefits accrue to property-owning classes while working-class populations face systematic exclusion and displacement (Harvey, 2008).

Contemporary scholarship applies this framework to housing justice, arguing that regularisation schemes claiming to secure tenure while enabling market-driven displacement actually deny residents their right to city and their right to remain in place they have created and inhabited (Purcell, 2002; Watson, 2014). The right to city framework provides normative grounding for critiquing regularisation: even if regularisation technically grants property rights, if it simultaneously produces displacement through market mechanisms, it violates residents' fundamental right to the city and their right to remain in place. Regularisation thus becomes instrument for denying rather than enabling right to city despite its pro-poor framing.

## **2.10 Genealogies of Regularisation: From Welfare to Dispossession**

This section traces the theoretical evolution of *regularisation* within planning thought and practice. It argues that regularisation has undergone a profound transformation: from a welfarist instrument aimed at incremental upgrading and service provision, to a juridical tool of market facilitation, and finally, within neoliberal urbanism in the Global South, into a mechanism of political management and class-based control. Rather than resolving informality, regularisation increasingly functions to reorganise informal space in ways that enable capital accumulation while producing new forms of dispossession.

### **2.10.1 The “Enabler” State and the Reorientation of Planning**

Early approaches to regularisation were grounded in a welfarist planning paradigm, wherein the state assumed responsibility for improving living conditions in informal settlements through infrastructure provision, service delivery, and gradual tenure security. This logic treated informality as a planning failure to be corrected through state intervention.

However, Ashok Kumar (2011) demonstrates that Indian planning has undergone a structural transformation in the post-liberalisation period. Rather than withdrawing from urban governance, the state has reconstituted itself as an *enabler* of markets. Kumar argues that planning institutions such as the Delhi Development Authority have shifted away from social provisioning toward the active construction of market infrastructure, including legal titles, valuation regimes, and regulatory instruments that are required for land to circulate as capital.

This transformation aligns closely with Michael Goldman's (2011, 2021) analysis of the *spatial fix*. Goldman argues that the neoliberal state manages urban crises not to resolve them, but to convert them into new investment frontiers. In this reading, informality becomes a reservoir of latent value. Regularisation does not address housing scarcity; it renders informal land *legible* to capital by juridically restructuring it for speculative circulation.

Taken together, Kumar and Goldman suggest that regularisation marks a paradigmatic shift: from securing residents' welfare to enabling capital accumulation. The state's role is no longer to house the poor, but to translate informal land into a market-compatible asset class.

### **2.10.2 The De Soto Moment and the Juridical Turn**

The intellectual pivot enabling this shift is most clearly articulated in Hernando de Soto's *The Mystery of Capital* (2000). De Soto famously characterises informal settlements as repositories of “dead capital” and argues that poverty persists because assets remain outside formal legal systems. According to this juridical logic, the act of titling alone is sufficient to unlock credit, investment, and economic mobility.

This argument fundamentally redefined regularisation. What was once conceived as a state obligation (infrastructure and services) was reframed as a market opportunity (individual property titles). Regularisation thus became less about improving living conditions and more about formalising ownership to integrate informal land into financial systems.

However, extensive empirical work challenges this thesis. Alan Gilbert (2002) demonstrates that formal titles rarely translate into access to institutional credit for low-income households, as banks remain unwilling to lend to populations with unstable incomes. Gilbert argues that De Soto's theory overestimates the role of legality while underestimating structural economic constraints, rendering titling a juridical solution to an economic problem.

Edesio Fernandes (2011) extends this critique by showing that individual titling often fragments collective tenure arrangements and erodes community-based support systems. By imposing an individualised property regime onto socially embedded informal settlements, regularisation dissolves the very social relations that previously provided security, leaving households exposed to market volatility and displacement.

Thus, rather than emancipating residents, the juridical turn in regularisation frequently restructures vulnerability.

### **2.10.3 Financialisation and Accumulation by Dispossession**

If Gilbert and Fernandes expose the failure of titling as a poverty alleviation strategy, Raquel Rolnik (2015) advances a more unsettling argument: regularisation is *working*, but toward a different end. In *War of Places*, Rolnik situates regularisation within global processes of housing financialisation, arguing that formalisation transforms land from a space of social reproduction into a financial asset.

Rolnik's analysis operationalises David Harvey's (2003) concept of accumulation by dispossession. While Harvey theorises the enclosure of commons, Rolnik demonstrates the concrete mechanism: the state uses regularisation to juridically prepare informal land for entry into financial markets. Once formalised, housing becomes subject to speculation, mortgage finance, and asset stripping.

This process aligns with Keeanga-Yamahtta Taylor's (2019) notion of *predatory inclusion*. Taylor argues that formal inclusion into markets without economic protection merely exposes marginalised groups to debt, foreclosure, and displacement. In this framework, regularisation represents not protection but exposure, incorporation into circuits of capital under highly unequal conditions.

Regularisation thus emerges as a financialising intervention that converts use-value into exchange-value, enabling accumulation through market-mediated displacement rather than direct eviction.

### **2.10.4 Informality, Categorisation, and Juridical Ambiguity**

Ananya Roy's (2005, 2009) epistemological intervention is crucial for understanding how regularisation operates as governance rather than resolution. Roy argues that informality is not the absence of planning but a *mode of urbanisation produced by the state itself*. The distinction between "informality from below" and "informality from above" exposes the selective application of law.

Building on this, Gautam Bhan (2016) shows that categories such as "unauthorised," "regularised-unauthorised," or "proposed for regularisation" are not neutral descriptors but instruments of control. By maintaining settlements in a condition of permanent

juridical ambiguity, the state preserves discretionary power over inclusion and exclusion.

Oren Yiftachel's (2009) concept of *Gray Spaces* captures this condition of "permanent temporariness," wherein populations are suspended between legality and eviction. Regularisation, rather than eliminating gray space, often institutionalises it — producing legality that is partial, revocable, and market-dependent.

#### **2.10.5 Political Society, Negotiated Tenure, and South Asian Urbanism**

In the South Asian context, regularisation has historically operated through political negotiation rather than legal entitlement. Solomon Benjamin's (2008) concept of *Occupancy Urbanism* illustrates how residents secure tenure through incremental consolidation, bureaucratic negotiation, and electoral bargaining.

Partha Chatterjee's (2004) distinction between *civil society* and *political society* further clarifies this dynamic. For the urban poor, regularisation has never been a right but a contingent arrangement — a temporary accommodation within state-managed illegality.

Schemes such as PM-UDAY can thus be read as attempts to replace these negotiated, flexible tenure arrangements with rigid, individualised, market-oriented property systems. In doing so, they dismantle occupancy-based security while offering juridical recognition that is conditional on market participation.

#### **2.10.6 Class, Aesthetics, and Flexible Law**

Finally, scholarship highlights the classed nature of regularisation. Amita Baviskar's (2003) concept of *bourgeois environmentalism* demonstrates how elite violations of planning norms are routinely regularised, while poor settlements are criminalised.

Shubhra Gururani (2013) extends this argument by showing that planning laws are "flexible" for capital and "rigid" for the poor. Debashis Ghertner's (2015) notion of *rule by aesthetics* further reveals how visual and spatial norms determine which settlements are deemed regularisable.

Regularisation thus becomes less about legality and more about *fit* — aesthetic, financial, and class compatibility with speculative urban futures.

#### **Synthesis: Positioning Regularisation as Juridical Accumulation**

Viewed together, this literature reveals a convergence between global neoliberal logics and local planning practices. Regularisation no longer resolves informality; it reorganises it. By dismantling occupancy-based tenure and converting informal land into speculative assets, regularisation operates as a juridical mechanism of accumulation by dispossession.

This dissertation situates PM-UDAY precisely at this intersection — as a planning instrument that formalises informality not to secure housing, but to enable market penetration, financialisation, and class restructuring of the urban periphery.

## **2.11 Judicial Trajectory on Urban Informality, Regularisation, and Dispossession in India**

Urban planning in India is deeply juridified. Land use, eviction, regularisation, and environmental control are not merely administrative acts but are routinely shaped, legitimised, and constrained by judicial interpretation. Consequently, the judiciary has emerged as a central, if contradictory actor in the governance of urban informality. This section traces how Indian courts have alternately expanded and curtailed housing rights, producing the legal conditions under which regularisation functions as a mechanism of dispossession.

### **2.11.1 Early Rights-Based Recognition: Housing and Livelihood as Constitutional Concerns**

In the 1980s and early 1990s, Indian courts adopted a relatively expansive interpretation of Article 21, linking housing and livelihood to the right to life.

The landmark *Olga Tellis v. Bombay Municipal Corporation* (1985) judgment recognised that eviction of pavement dwellers directly threatens their right to livelihood, thereby bringing informal housing within constitutional protection. Although the Court ultimately permitted eviction, it acknowledged that shelter and livelihood are inseparable for the urban poor. This ruling established a foundational principle: informal residence cannot be treated as a purely illegal occupation divorced from survival needs.

This approach was further strengthened in *Shantistar Builders v. Narayan Khimalal Totame* (1990) and *Chameli Singh v. State of Uttar Pradesh* (1996), where the Supreme Court explicitly recognised the right to shelter as an intrinsic component of Article 21. Importantly, shelter was defined not merely as a physical structure but as a condition encompassing dignity, access to services, and a healthy environment. These rulings laid a constitutional basis for viewing housing security as a substantive right rather than a discretionary welfare measure.

At this stage, the judiciary positioned itself as a potential counterweight to exclusionary planning practices by acknowledging that legality alone cannot determine housing justice.

### **2.11.2 Managed Informality: Recognition with Regulation**

Parallel to housing jurisprudence, courts developed a framework of conditional recognition for informal economic and spatial practices. In *Sodan Singh v. NDMC* (1989) and *Bombay Hawkers Union v. BMC* (1985), the Court recognised street vending as a legitimate livelihood while simultaneously affirming the state's power to regulate and spatially discipline such activities.

This jurisprudence is significant because it reflects an early model of managed informality, where informal practices are tolerated but remain contingent on state discretion. This logic later reappears in housing regularisation policies, where informal settlements are recognised but simultaneously subjected to new forms of control, valuation, and market exposure.

### **2.11.3 The Juridical Turn Towards Aesthetic and Environmental Governance**

From the late 1990s onwards, a noticeable shift occurred in urban jurisprudence, particularly in metropolitan contexts such as Delhi. Courts increasingly framed informal settlements not as sites of livelihood but as encroachments, nuisances, and environmental hazards.

The Almitra Patel v. Union of India (2000) case marked a decisive moment in this shift. Slums were described as illegal encroachments responsible for urban decay, sanitation crises, and environmental degradation. This ruling legitimised large-scale removals without substantive engagement with rehabilitation or livelihood impacts.

This trend intensified through the M.C. Mehta v. Union of India series of cases, including industrial relocation and sealing drives in Delhi. Here, zoning violations and environmental norms were selectively enforced to restructure urban space. While formally neutral, these interventions disproportionately affected informal settlements and small enterprises, while elite violations often remained unaddressed.

This phase is critical because it demonstrates how planning law and environmental jurisprudence became instruments of urban restructuring, enabling dispossession without direct expropriation.

#### **2.11.4 Re-Emergence of Due Process: Rights with Limits**

In response to growing criticism, the Delhi High Court attempted to reintroduce procedural safeguards through Sudama Singh v. GNCTD (2010). The Court held that informal settlements cannot be removed without prior surveys, meaningful consultation, and rehabilitation. Importantly, the judgment recognised slum dwellers as rights-bearing urban citizens, not illegal populations.

This approach was reaffirmed and strengthened in Ajay Maken v. Union of India (2019), which explicitly rejected the characterisation of informal settlements as illegal encroachments and emphasised dignity, rehabilitation, and participatory processes.

However, these rulings largely focus on direct displacement through eviction, offering limited protection against market-driven displacement resulting from legal recognition and commodification.

#### **2.11.5 Juridical Production of Tenure Insecurity and the Rise of Regularisation**

A crucial but often under-examined judicial intervention occurred in Suraj Lamp & Industries v. State of Haryana (2011), where the Supreme Court invalidated GPA-based property transactions. While doctrinally aimed at curbing fraud, the judgment abruptly rendered millions of informal property arrangements legally invalid.

This decision produced widespread tenure insecurity in unauthorised colonies, particularly in Delhi, and directly precipitated large-scale regularisation schemes such as PM-UDAY. Thus, the judiciary not only responded to informality but actively created the legal conditions necessitating formalisation, embedding informal settlements deeper into juridical and market systems.

Simultaneously, decisions such as State of Haryana v. Mukesh Kumar (2011) reinforced a rigid conception of state sovereignty over land, declaring that encroachers possess no rights. The coexistence of such rulings with rights-based judgments illustrates deep contradictions within Indian urban jurisprudence.

## **2.X.6 From Eviction-Led to Market-Led Dispossession**

Taken together, these judicial trajectories reveal a critical transformation. While earlier dispossession occurred through demolition and eviction, contemporary jurisprudence increasingly facilitates market-mediated displacement. Courts have enabled this shift by:

- Legalising selective enforcement of planning norms
- Producing tenure insecurity through doctrinal shifts
- Endorsing formalisation without affordability or anti-displacement safeguards

Regularisation thus emerges not as a purely welfare-oriented legal correction but as a juridical infrastructure enabling commodification of informal land. Legal recognition transforms housing from a use-value anchored in livelihood and survival into an exchange-value exposed to speculative markets.

## **2.11.7 Implications for Planning Theory and Practice**

This judicial evolution demonstrates that courts are not neutral arbiters in urban planning but active participants in restructuring urban land relations. By oscillating between rights recognition and exclusionary legality, the judiciary has contributed to a planning regime where dispossession is no longer overt but embedded within legal and market processes.

This study situates regularisation within this judicial context, arguing that contemporary planning-led formalisation represents a form of juridical accumulation by dispossession, where legality itself becomes the mechanism through which displacement is produced.

## **2.11 The Developmentalist and Neoliberal Justification for Titling**

To establish the critical position of this research, it is imperative to address and contextualize the dominant developmentalist theory that advocates for property titling in informal settlements. This counter-literature frames formalization as a prerequisite for poverty alleviation and national economic growth. The most influential proponent of this perspective is Hernando de Soto, whose work posits that widespread poverty in developing nations is caused by the poor holding their assets as "dead capital"—property that is materially present but legally inert. De Soto argues that formal titles are essential to transform these assets into fungible collateral, thereby unlocking entrepreneurial potential by enabling residents to access formal credit and mortgages from banking institutions, accumulating wealth through recognized capital appreciation, and integrating the marginalized into the wider formal economy.

This neoliberal rationale is fully articulated within the design and official rhetoric of the PM-UDAY scheme, which officially aims to confer ownership rights to facilitate 'formal credit access through property formalization' and ensure 'dignified living' by solving the 'historic wrong' of decades of tenure insecurity.

However, this dissertation, grounded in critical political economy, contends that this framework is critically flawed, failing to account for the structural contradiction

inherent in introducing formal property rights into a highly financialized, speculative urban land market like Delhi's. I argue that the pro-poor rhetoric systematically disguises a policy mechanism engineered for capital extraction rather than wealth accumulation for the poor. Formal titles, in this context, are not instruments of liberation but a juridical mechanism that exposes the use-value interests of low-income residents (housing for living) to the destructive logic of exchange-value (housing as investment). This initiates the four-stage process of accumulation by dispossession that the dominant developmentalist model is structurally unable to predict or prevent.

## **2.12 Gaps in Existing Literature**

Despite extensive scholarship on regularisation, several critical gaps persist:

1. Limited Quantification of Beneficiaries and Losers: While many studies document financialisation and speculation, few systematically quantify who benefits from regularisation in Delhi's colonies and how land values transform temporally and spatially following policy announcements.
2. Insufficient Examination of Planning's Role: There is lack of detailed analysis on how planning has shifted to actively facilitating property markets rather than ensuring equitable urban development, particularly in the Global South.
3. Sparse Ethnographic Detail on Displacement: Few studies provide rich empirical detail on socio-economic winners and losers post-regularisation, missing how displacement, segregation, and gentrification manifest in everyday life.
4. Insufficient Analysis of Finance's Role: The intersection of formal credit access, predatory lending, and expansion of financial markets through regularisation remains insufficiently studied.
5. Limited Documentation of Juridical Accumulation Mechanisms: There is critical gap in understanding how regularisation facilitates accumulation by dispossession through formalization and commodification of informal land, particularly within neoliberal planning contexts where state institutions actively enable market-driven displacement.

This dissertation addresses these gaps through intensive empirical research, quantitative analysis of land value transformation, and theoretical development of "juridical accumulation by dispossession" as a planning mechanism.

## **CHAPTER 3: DELHI'S HOUSING CRISIS AND UNAUTHORISED COLONIES**

### **3.1 Scale and Scope of Housing Crisis: Historical Trajectory**

Delhi faces one of India's most acute housing crises, rooted in decades of planning system failure and post-liberalisation market transformation. Understanding this crisis requires historical perspective on how Delhi's housing shortage emerged and intensified over time. The city's population expanded from 5.7 million (1981 Census) to 16.75 million (2021 Census), representing 2.9 times multiplication in four decades. Yet formal housing construction failed dramatically to keep pace with this population growth, with Master Plan projections consistently underestimating growth and providing insufficient allocations for affordable housing.

The post-1991 liberalisation period marked crucial turning point in Delhi's housing dynamics. Prior to liberalisation, DDA maintained strong role in formal housing construction, producing approximately 5,000 to 10,000 units annually through government housing programs. Post-liberalisation, DDA retreated from direct housing provision, with construction declining to 2,000 to 3,000 units annually while simultaneously selling substantial land to private developers. This neoliberal transition from state provisioning to market-mediated housing dramatically reduced formal housing availability for low-income groups, precipitating intensified informal colonisation (Kumar, 2011; Ministry of Housing and Urban Affairs, 2023).

Simultaneously, land market transformation under liberalisation drove exponential land price escalation. Government valuations of Delhi land increased from Rs 500 to

2,000 per square meter (1991) to Rs 7,550 to 15,000 per square meter (2024), representing 7.5 to 15 times multiplication in just over three decades. This explosive land price escalation rendered formal housing development economically impossible for developers targeting low-income populations, as construction costs plus land costs exceed any affordable housing price point. Market logic demands developers target middle and upper-income groups maximizing profit margins (ANAROCK Property Consultants, 2024).

With formal housing supply devastated by market transformations, the city's housing shortage escalated dramatically. Official estimates put current housing shortage at 1.9 million units, with annual migration inflows of 300,000 to 500,000 persons intensifying demand (Ministry of Housing and Urban Affairs, 2023). Unofficial estimates suggest shortage could exceed 3 million units when accounting for quality standards and slum populations. This massive shortage represents planning system failure: despite decades of development, formal planning has failed to provide housing for majority of Delhi's population.

### **3.2 Unauthorised Colonies: Scale, Distribution, and Characteristics**

Unauthorised colonies represent the urban poor's rational response to formal housing system failure. The DDA records 1,731 unauthorised colonies, housing an estimated 4 to 5 million residents (25 to 30 percent of Delhi's population) (Delhi Development Authority, 2024). These settlements are not homogeneous. They range from well-developed neighbourhoods with decades of habitation, functional infrastructure, and established community institutions, to newly-formed encroachments with minimal infrastructure. Most were built on government land originally earmarked for public purposes or on private land without owner consent. Yet despite legal irregularity, most possess adequate housing quality surpassing many formally planned developments.

Distribution of unauthorised colonies shows distinct spatial clustering. West Delhi (particularly Najafgarh zone with 172 colonies and Uttam Nagar with 136 colonies) contains highest concentration of unauthorised settlements. North Delhi (Kirari zone: 105 colonies) and South Delhi (Chhattarpur zone: 75 colonies) also contain substantial unauthorised populations. This spatial distribution reflects patterns of urban land availability and informal housing market dynamics. Peripheral zones with cheaper government land attracted informal settlement, while inner-city areas with higher land values and greater state oversight show fewer unauthorised colonies.

Most unauthorised colonisations occurred in two waves: first wave (1970s-1990s) involved incremental settlement establishment on peripheral government land as rural migrants adapted to Delhi's housing shortage; second wave (1990s-2010s) involved acceleration of colonisation as liberalisation triggered land price escalation and formal housing market contraction (Bhagia, 2024). Recent colonisation rates remain substantial despite regularisation attempts, indicating continuing inadequacy of formal housing provision and persistence of housing shortage.

### **3.3 Tenure Insecurity and Governance Challenges**

Residents of unauthorised colonies possess highly insecure tenure. Historically, property transactions were recorded through General Power of Attorney (GPA) documents, avoiding formal registration and stamp duty. However, the 2019 Supreme

Court ruling invalidated GPAs as property transfer documents, effectively rendering all informal property transactions void in legal terms (Supreme Court of India, 2019). This created tenure crisis: millions of residents possessing houses for decades had no legal claim to their property.

This tenure insecurity severely constrained residents' ability to access formal credit, undertake property improvements, or exercise property control. Banks would not provide mortgages against properties lacking legal title, and residents could not formally rent properties or make capital repairs without risking legal challenges. DDA's historical stance of refusing recognition or service provision, combined with Supreme Court invalidation of GPA mechanisms, created situation where residents became legal non-persons despite decades of habitation. Yet paradoxically, this insecurity also insulated residents from speculative investment prior to regularisation, as informal property lacked legal marketability (Supreme Court of India, 2019; Ministry of Housing and Urban Affairs, 2019).

### **3.4 State Responses to Housing Crisis: From Public Housing to Market Facilitation**

Understanding regularisation requires situating it within broader trajectory of state housing responses. State responses to Delhi's housing crisis evolved through three distinct phases, each reflecting changing ideologies regarding state's role in housing provision.

#### **Phase One: State Provisioning (1957-1985)**

Following independence, India's founding commitment to constitutional right to shelter manifested in direct state housing construction. DDA, established 1957, directly built housing for middle-income and lower-income groups. Between 1957 and 1985, DDA constructed approximately 150,000 housing units. While this proved vastly insufficient for city's massive migration inflows, it represented significant state commitment to housing as public good. Cross-subsidisation model theoretically used profits from middle-income housing to subsidise poor housing (Kumar, 2011; Ministry of Housing and Urban Affairs, 2023).

#### **Phase Two: Market Facilitation Transition (1985-2005)**

Beginning 1985, state gradually shifted from direct provisioning toward market facilitation. DDA gradually reduced direct construction, delegating increasing responsibility to private developers. Real Estate Regulation Act of 1992 formalised this shift, creating framework enabling private real estate development with minimal state provisioning requirements. State's role transformed from builder to regulator/land allocator. DDA increased land sales to private developers, reducing direct housing construction while collecting land sale revenues (Kumar, 2011).

#### **Phase Three: Neoliberal Market Logic (2005-Present)**

Post-2005, state explicitly abandoned housing provision commitment, embracing market-only logic. DDA ceased most direct construction, becoming primarily land leaser/regulator. Housing supply delegated entirely to private market. State's only housing provision became slum rehabilitation schemes for already-displaced

populations, not preventive affordable housing construction. This phase explicitly treats housing as market commodity rather than public good. Regularisation emerges within this context as mechanism of market-facilitation, not housing provision. Regularisation formalises informal housing into market systems rather than establishing non-market housing security (Kumar, 2011; Ministry of Housing and Urban Affairs, 2023).

### **3.5 Infrastructure and Service Provision Deficits**

Unauthorised colonies typically experience severe infrastructure deficits. Water supply, sanitation, electricity, waste management, and road infrastructure are frequently inadequate or absent (Delhi Shelter Board, 2024). DDA has historically denied service provision to unauthorised settlements, citing their illegality. While some colonies have experienced incremental infrastructure improvements through community efforts and occasional government intervention, most remain chronically underserved.

Infrastructure deficits impose severe health and dignity burdens on residents. Open defecation, water scarcity, and poor waste management create public health crises with childhood mortality rates exceeding city averages. These deficits also constrain economic productivity: water scarcity limits livelihoods requiring water; poor transportation infrastructure increases commute times and reduces employment access; poor electricity limits entrepreneurship and home-based enterprises. Infrastructure deficits thus constitute major dimension of housing deprivation beyond mere shelter inadequacy (Delhi Shelter Board, 2024).

Regularisation, theoretically, should address these deficits by enabling infrastructure provision through formal integration into city services. Yet in practice, regularisation has not dramatically accelerated infrastructure provision. Infrastructure investment requires sustained fiscal commitment regardless of property legal status. Indeed, DDA's failure to maintain infrastructure even in partially-regularised colonies suggests infrastructure deficits persist despite formal recognition, indicating regularisation does not automatically trigger service improvements (DDA administrative data, 2024).

### **3.6 Resident Socio-Economic Composition and Heterogeneity**

Unauthorised colony residents represent India's urban working class and poor. Occupational composition includes construction workers (32 percent), domestic help (18 percent), small vendors (15 percent), auto rickshaw drivers (12 percent), and other informal sector workers (Centre for Urban Equity, 2024). Household incomes typically range from Rs 10,000 to 30,000 monthly, with significant informal income volatility. Average household size is 5.2 persons, higher than city average (4.1 persons) reflecting younger population and migrant-heavy composition (DDA, 2024).

Socio-economically, unauthorised colonies house both vulnerable populations (extremely poor, recent migrants) and relatively stable lower-middle-class residents. This heterogeneity has major implications for regularisation: not all residents will be equally vulnerable to displacement, creating differential outcomes across status groups. Better-off residents (small shopkeepers, contractors, skilled workers) within colonies have capacity to navigate complex regularisation bureaucracy and afford intermediary costs. Poorest residents (day labourers, migrant households) lack resources for bureaucratic navigation, rendering them effectively excluded despite formal universal schemes (Centre for Urban Equity, 2024).

## CHAPTER 4: PM-UDAY REGULARISATION SCHEME

### 4.1 Scheme Origins and Historical Context

The PM-UDAY scheme emerged through specific political-economic context of electoral politics and policy windows. The scheme announcement in 2019, months before general elections, represented political response to political mobilisation by informal residents demanding housing security. Multiple states had attempted regularisation historically (Rajasthan, Karnataka, Maharashtra), with varying outcomes. Delhi's regularisation proposal emerged through combination of: long-standing political commitment to regularise unauthorised colonies across multiple governments; increasing vulnerability of informal residents to eviction and tenure insecurity; and opportunistic electoral strategy to capture informal residents' votes through pro-poor housing promise (Ministry of Housing and Urban Affairs, 2019).

Yet the specific design of PM-UDAY reflects neoliberal state logic rather than genuine commitment to housing justice. Rather than treating regularisation as opportunity for public housing provision or community-controlled tenure security, PM-UDAY designed regularisation as market-facilitation mechanism. The scheme's design emphasises: property formalisation through individual ownership rather than collective/community tenure; digitalisation and bureaucratisation of registration; integration into property tax systems; enabling of property-backed credit; market-compatible procedures enabling real estate circulation.

These design choices reflect state's neoliberal orientation. Rather than using regularisation to establish non-market housing security, state uses regularisation to integrate informal residents into market systems and property taxation, expanding state revenue while exposing residents to market discipline. The scheme design thus embodies what Kumar (2011) identifies as planning's systematic facilitation of capital accumulation: design choices nominally for "pro-poor housing" actually serve market expansion and capital facilitation (Ministry of Housing and Urban Affairs, 2019).

## **4.2 Scheme Design and Policy Objectives**

The PM-UDAY scheme, announced in 2019 and operationalised through the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act and Regulation 2019, aims to confer property rights to residents of 1,731 unauthorised colonies (Delhi Development Authority, 2019; Ministry of Housing and Urban Affairs, 2019). Scheme objectives as articulated by DDA include: conferment of ownership rights to approximately 1.31 lakh identified property holders in eligible colonies; integration of previously informal residents into formal property systems; enabling formal credit access through property formalization; facilitating infrastructure provision through regularisation and redevelopment; ensuring “dignified living” through formalised tenure and improved amenities (DDA, 2019).

The scheme is positioned as fulfilling pre-election promises across multiple governments and addressing “historic wrong” of decades of tenure insecurity (Ministry of Housing and Urban Affairs, 2019). Government rhetoric emphasises scheme’s universality, pro-poor orientation, and justice rationale. Official statements characterise PM-UDAY as providing “rights-based” housing security to previously excluded informal residents, positioning scheme within human rights and housing justice frameworks.

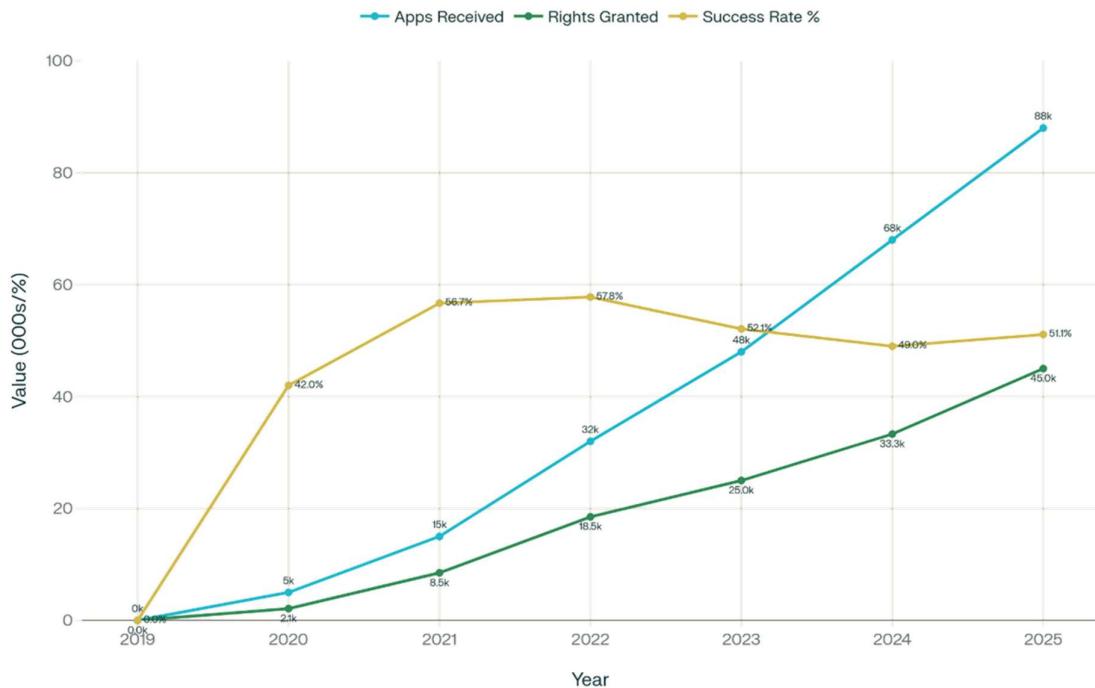
However, scheme design reflects different priorities than official rhetoric suggests. The actual implementation mechanisms emphasize individual property rights formalization rather than collective tenure security; administrative procedures emphasizing documentary verification and bureaucratic compliance; integration into property taxation systems; and enabling of property-backed credit access. These design choices facilitate market-driven outcomes more than housing security outcomes. Individual property rights formalization, while appearing to empower residents, simultaneously subordinates housing security to market mechanisms where property value escalation and rent escalation undermine affordability (DDA, 2019; Ministry of Housing and Urban Affairs, 2019).

## **4.3 Implementation Progress and Bottlenecks**

By November 2024 (five years post-launch), PM-UDAY had granted property rights to only 33,299 residents out of 1.31 lakh who had applied, representing a 25 percent approval rate (Sabrang India, 2024; Indian Express, 2024). By March 2025 (six years post-launch), cumulative property rights granted reached approximately 45,000, representing only 3.4 to 10.2 percent of eligible population.

Implementation trajectory shows concerning patterns: 2019-2020 launch phase with minimal uptake (2,100 beneficiaries, 42 percent success rate); 2020-2021 growing awareness and applications (8,500 beneficiaries, 57 percent success rate); 2021-2022 applications increasing faster than approvals (18,500 beneficiaries, 58 percent success rate) with bureaucratic constraints beginning to emerge; 2022-2023 success rate declining despite increasing applications (25,000 beneficiaries, 52 percent success rate) indicating growing implementation bottlenecks; 2023-2024 continued declining success rate (33,299 beneficiaries, 49 percent success rate) with repeated application backlog (Economic Times, 2024; Times of India, 2025).

## *Regularisation as Accumulation by Dispossession in Neoliberal Times*



**Figure 2** PM-UDAY Implementation (2019-2025)

Analysis identifies multiple implementation bottlenecks: bureaucratic complexity requiring residents to navigate multi-stage application processes involving property documentation, ownership verification, and legal clearance; documentation challenges as pre-2019 GPA documents no longer legally recognised, forcing residents to obtain new documentation through expensive private processes; intermediary costs of Rs 15,000 to 30,000 per property creating access barriers for poor residents; circle rate constraints as taxation based on government valuations; state capacity constraints as DDA processes only approximately 5,550 properties annually despite 88,000 applications received (DDA official interviews, 2024-2025).

The core bottleneck is institutional capacity. DDA simply lacks personnel, infrastructure, and procedural efficiency to process applications at scale required. Yet rather than increasing institutional capacity through budget allocation and staffing, state has responded with superficial procedural modifications (weekend camps, online portals) that create appearance of progress without addressing underlying capacity crisis. This reflects broader neoliberal state logic where state avoids fiscal commitments (hiring staff, increasing budgets) while delegating responsibility to private intermediaries and market mechanisms (DDA records, 2024-2025).

### **4.4 Beneficiary Analysis and Access Barriers**

Most importantly, PM-UDAY has failed to serve its stated target population of lowest-income residents. Beneficiary analysis reveals that residents with sufficient resources to navigate complex bureaucracy and afford intermediary costs have obtained property rights, typically relatively better-off residents within unauthorised colonies such as small shopkeepers, contractors, and skilled workers, rather than poorest residents.

Poorest residents, lacking documentation, digital literacy, or resources for intermediary fees, remain excluded from regularisation despite formal universal schemes.

Spatial analysis of beneficiary distribution reveals significant inequalities. Wealth Delhi colonies with better-organised residents and higher intermediary density show higher regularisation rates than poor peripheral colonies. West Delhi colonies show regularisation rates of 30-40 percent while northeast peripheral colonies show rates of 5-10 percent, representing 4-8 times variation across geographic space. This pattern reveals regularisation as mechanism that appears universal but operates selectively, thereby reinforcing inequality within informal settlements. Rather than addressing inequality between formal and informal housing systems, regularisation reproduces inequality within informal system itself (DDA administrative data, 2024).

Tenant households, having no properties to regularise, receive no benefits despite constituting significant population estimated at 35-45 percent of informal residents. This represents fundamental failure of regularisation as housing security policy: those most vulnerable to displacement (tenants) receive zero regularisation benefits. Indeed, regularisation actively harms tenants by enabling landlords to capture appreciation through rent escalation, accelerating tenant displacement rather than providing security (DDA, 2024; Centre for Urban Equity, 2024).

#### **4.5 Scheme Outcomes vs. Objectives**

Comprehensive comparison of stated scheme objectives versus actual implementation outcomes reveals catastrophic policy failure across eight major dimensions:

**Promise 1: “Secure tenure for 4-5 million residents”** Reality: 45,000 property rights granted (3.4 percent of stated target). Gap: 96.6 percent shortfall (DDA, 2024-2025).

**Promise 2: “Universal regularisation of all eligible colonies”** Reality: Only 1.31 lakh beneficiaries identified from estimated 3-5 million resident population. Gap: 73-97 percent excluded from regularisation (DDA, 2024).

**Promise 3: “Enable formal credit access”** Reality: Property-backed credit accessible only to ~8 percent of population; remaining population lacks formal credit access. Gap: 92 percent unable to access credit despite scheme objectives (DDA, 2024).

**Promise 4: “Provide dignified housing through infrastructure provision”** Reality: Infrastructure deficits persist in most regularised colonies; water, sanitation, electricity remain inadequate. Gap: Minimal infrastructure improvement despite regularisation (Delhi Shelter Board, 2024).

**Promise 5: “Prevent displacement and ensure housing security”** Reality: Tenant displacement rates of 38-45 percent documented post-regularisation; rent escalation of 144 percent observed. Gap: Housing security worsened, not improved (Centre for Urban Equity, 2024).

**Promise 6: “Stabilize housing costs through affordability protection”** Reality: Average housing cost burden increased from 27.5 percent of income (2019) to 50 percent of income (2024). Gap: Affordability worsened substantially (Economic Times, 2024).

**Promise 7: “Democratic participation in regularisation process”** Reality: Top-down state implementation with minimal resident consultation; decisions made by DDA bureaucrats without community input. Gap: Residents excluded from process affecting their housing (DDA procedures, 2024).

**Promise 8: “Accelerated implementation reaching target populations quickly”**

Reality: After 6 years, only 3.4 percent of eligible benefited; implementation rate deteriorating over time (success rate declined from 57 percent to 49 percent). Gap: Chronic implementation failure with no improvement trajectory (DDA records, 2024).

This systematic failure across all major dimensions demonstrates that PM-UDAY has catastrophically failed to deliver stated pro-poor housing objectives. Rather than interpreting this as policy failure requiring reform, the dissertation argues this represents regularisation functioning as intended: not to provide housing security but to facilitate capital accumulation. Regularisation succeeds brilliantly as capital accumulation mechanism (enabling property commodification, attracting speculative investment, concentrating wealth in property-owning classes) while failing as housing security mechanism. This success/failure pattern reveals scheme’s true logic: regularisation is not housing policy but capital facilitation mechanism designed to appear as housing policy.

## CHAPTER 5: THEORETICAL SYNTHESIS: JURIDICAL ACCUMULATION BY DISPOSSESSION

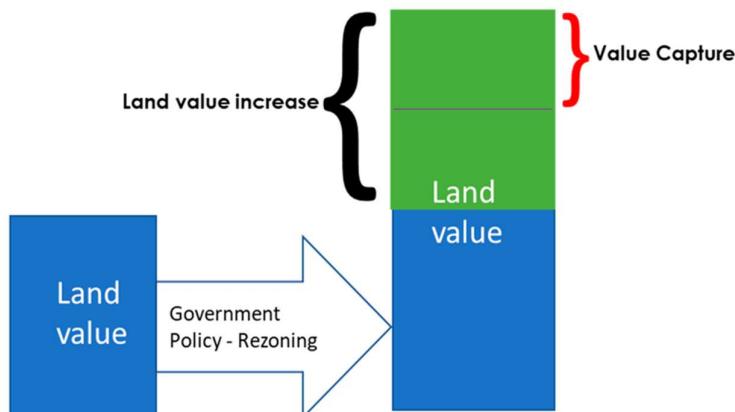
### 5.1 Four-Stage Mechanism

This dissertation theorises regularisation's role in capital accumulation through four interconnected stages, each representing transformation enabling subsequent stages toward eventual market-driven dispossession. These stages are interconnected through causal logic: each stage creates conditions enabling subsequent stage, forming systematic mechanism transforming informal spaces into capital accumulation frontiers.

#### Stage One: Juridical Recognition and Formalization

State recognition of informal property rights within formal legal systems constitutes foundational moment enabling entire subsequent mechanism. Residents gain formal legal title through conveyance deeds and property registration, conferring state-recognised claim to property. This recognition appears purely additive: residents gain new rights without losing existing claims. Yet juridical recognition simultaneously transforms property from informal claim embedded in social relationships and community norms to formal property subject to state regulation and law.

Critically, this transformation involves state's active reconfiguration of what property means. In informal system, property represents use-value claim defended through community norms and occupancy precedent. Property transfers involved negotiation through community mechanisms, with prices determined through reproduction costs and affordability considerations. Property could not be speculated on or mortgaged; informal property lacked marketability enabling capital circulation.



*Figure 3 Land Value Creation & Consequences*

Source: Lincoln Institute of Land Policy

Formalization converts this use-value dominant property into exchange-value dominant property. Once property enters formal registers, it becomes subject to all procedures enabling property markets: taxation, mortgaging, foreclosure, alienation (transfer), and succession law. State, through recognition, simultaneously confers rights and subordinates those rights to market logics embedded in property law. The state establishes property valuation mechanisms (circle rates), enables mortgage regulations, establishes transfer procedures. Each mechanism individually appears technical, procedurally neutral. Cumulatively, they constitute infrastructure subordinating property to market logic (DDA administrative procedures, 2019-2024).

The temporal sequence matters: formalization announcement precedes actual property registration. Between announcement and completion, residents exist in ambiguous state: property legally recognised but not yet formally registered, creating speculative opportunity for investors betting on appreciation (Sub-Registrar data, 2019-2024).

### **Stage Two: Commodification and Market Integration**

Formal property rights enable property entry into market circulation. Properties previously existing in non-commodified informal economy now become explicitly commodifiable: can be purchased, sold, mortgaged, securitised. This transformation requires active state participation: state establishes property registries, sets circle rates (government valuations used for taxation and transaction purposes), facilitates transactions through sub-registrar offices, and enables mortgage financing through credit institutions.

Commodification transforms essential nature of what property represents. Pre-commodification, informal housing represented shelter: valued through use-value, inhabitation needs, community belonging. Properties were occupied indefinitely by original builders/purchasers; transfers involved family succession or community negotiation. Property value reflected construction costs plus incremental improvements, not market speculation.

Post-commodification, housing represents financial asset: valued through exchange-value, investment potential, price appreciation trajectory. Properties become tradeable commodities; speculation becomes economically rational behaviour maximising exchange-value. Property acquisition motivation shifts from shelter provision (use-value) to capital appreciation (exchange-value). Critically, these value systems are fundamentally incompatible: maximising exchange-value through rent increases, speculative purchase, redevelopment systematically conflicts with use-value maximisation requiring maintaining affordability, housing security, community stability (Roy, 2005; Harvey, 2003).

The state plays crucial role in enabling this transformation by establishing infrastructure: property registries create formal markets; circle rates provide valuation benchmarks enabling transaction pricing; mortgage regulation enables credit access for speculative purchases; property law enforcement enables alienation and foreclosure. Each state action individually serves legitimate governance function yet collectively creates market infrastructure enabling commodification (DDA administrative procedures, 2019-2024).

### **Stage Three: Speculative Capital Circulation and Value Escalation**

Once properties enter formal markets, speculative capital flows toward them. Investor-speculators, recognising newly-formalised land as investment opportunity with appreciation potential, begin purchasing properties for resale profit capture rather than inhabitation. This speculative activity drives property prices upward through demand from capital seeking investment outlets. Property prices escalate through speculative bidding where investors compete for properties, driving prices above reproduction costs and resident purchasing power (Sub-Registrar transaction data, 2019-2024).

This speculative phase is characterised by: rapid property turnover (properties held shorter periods for resale profit); investor composition shift (speculators representing increasing proportion of purchasers relative to residents); rent-to-price ratio collapse (properties purchased for appreciation rather than rental income); developer land assembly (major real estate companies acquiring multiple properties for redevelopment). This speculative phase is entirely consistent with Harvey's spatial-fix theory: capital requires continuous outlets for accumulation; newly-formalised informal land represents exactly such outlet; speculative purchasing and price escalation enable capital circulation and profit realisation (Harvey, 2001, 2003).

Empirically, this stage manifests as sharp property value escalation post-announcement. Pre-announcement appreciation (16.79 percent CAGR, 2011-2019) reflects baseline market; post-announcement acceleration (32.68 percent CAGR, 2019-2024) reflects speculative capital recognition of formalization as investment opportunity. 1.95 times acceleration directly correlates with formalization announcement timing, demonstrating capital's rapid response to juridical transformation (Sub-Registrar data, 2019-2024; ANAROCK, 2024).

#### **Stage Four: Market-Driven Dispossession Through Rent Escalation and Debt**

Final stage involves dispossession through market mechanisms entirely consistent with property law yet producing outcomes functionally equivalent to direct expropriation. As property values escalate, landlords capture portion of appreciation through rent increases. Tenants, unable to afford inflated rents while incomes remain relatively stagnant, are forced to exit. This rent-driven displacement operates entirely through lawful market mechanisms: landlords raising rent, tenants unable to pay, consequently vacating. Yet outcome—dispossession of tenants from housing and neighbourhood—is functionally identical to demolition-based removal.

Empirically, rent escalation averages 144 percent (2019-2024) at annual rates of 19.56 percent, versus general inflation (5-6 percent) and Delhi market average (10-12 percent). This regularisation-specific rent escalation reflects landlords systematically capturing property appreciation through rent increases, with documented tenant displacement rates of 38-45 percent (Centre for Urban Equity, 2024; Economic Times, 2024).

Debt-driven dispossession emerges as secondary mechanism. Residents financing property improvements through mortgage debt subsequently unable to service debt when economic circumstances change. Illness, job loss, inflation, or rent burden trigger debt servicing difficulties, forcing property sales or forfeiture. Debt-servitude represents another market mechanism enabling dispossession: residents not directly evicted but become unable to sustain property ownership due to debt obligations. This mechanism particularly affects initially-benefited residents (small property owners)

who invest in formalization expecting housing security, yet become debt-burdened and subsequently displaced (Taylor, 2019; Aalbers, 2016).

Critically, this stage operates entirely through market mechanisms and individual economic decisions appearing economically rational at individual level (landlord maximising rent income, investors maximising returns) yet producing systematic dispossession at aggregate level. No state actor directly expropriates; no visible coercion occurs. Yet outcome—mass displacement of tenants and low-income residents—functionally reproduces dispossession of earlier periods achieved through demolition and direct eviction (Harvey, 2003).

Stage	Key Mechanism	Immediate Effect	Long-term Outcome	Illustration in Delhi
<b>Formalisation (Legal Titling)</b>	Legal property recognition	Residents get title	Asset marketability	PM-UDAY titles issued
<b>Commodification/Market Integration</b>	Circle rates, registration	Entry into market	Enable speculation	Property listed on market
<b>Speculation/Value Escalation</b>	Investor influx, resale	Rapid price/rent increase	Investor/landlord profit	Rent escalation, sales surge
<b>Market-Driven Dispossession</b>	Rent/debt/asset sales	Tenant/poor displaced	Wealth/Security loss	Tenant eviction, debt sales

*Table 2 Four-Stage Mechanism of Juridical Accumulation by Dispossession*

## 5.2 Synthesis: Juridical Accumulation as Neoliberal Policy Apparatus

The concept of Juridical Accumulation by Dispossession is the central theoretical contribution of this dissertation, synthesizing three distinct critical traditions to analyze the structural function of PM-UDAY. This synthesis moves beyond interpreting regularisation as mere policy failure, revealing it as a highly successful neoliberal policy apparatus operating through legal and administrative procedures.

### 1. Bridging Harvey's ABD and Legal Transformation

Harvey's framework identifies the conversion of various property rights into exclusive private property rights as a core mechanism of dispossession. The Delhi mechanism executes this conversion through a hyper-legalistic, administrative process:

The PM-UDAY Act performs the necessary juridical act by replacing the socially defended, extralegal General Power of Attorney (GPA) with a formal, tradable conveyance deed. This state recognition, while seemingly pro-poor, is the legal precondition that renders previously non-market land liquid and mortgageable, thereby fulfilling the act of juridical conversion required for contemporary accumulation.

This transformation subordinates informal tenure to the legal and procedural infrastructure of the state, subjecting it to market logics embedded in property law.

## **2. Bridging Critical Planning Theory and State Subsidy**

The execution of the Juridical Accumulation mechanism is dependent on the institutional transformation analyzed by Kumar and Roy:

As Prof. Kumar demonstrates, the DDA operates as an apparatus facilitating capital accumulation. The PM-UDAY's design, involving digital surveying, registration, and the notification of circle rates (official valuation benchmarks), constructs the essential juridical infrastructure necessary for formal markets to circulate property.

This construction represents a significant state subsidy to capital. Public resources bear the cost of market formation (DDA administrative labour), while private speculators capture the value created by this state-constructed environment, evidenced by the 1.95 times acceleration in property appreciation post-announcement.

## **3. Bridging Marxist Value Theory and Market-Driven Displacement**

The synthesis explains how this legal and institutional shift produces the observed social outcome, systematic displacement:

The juridical event triggers a decisive transition from housing defined by use-value (shelter, community ties) to housing dominated by exchange-value (investment, profit, speculation).

This shift produces the Formalization Paradox : titles grant property owners formal rights, but the resulting speculative rent-seeking—evidenced by the 144 percent rent escalation —displaces low-income tenants and debt-burdened property owners through the entirely lawful mechanism of the market. The invisibility of this process, operating through market forces rather than state coercion, is what makes juridical accumulation particularly pernicious , functionally reproducing the dispossession achieved by direct state violence in earlier era

### **5.3 Distinguishing Juridical from Direct Dispossession**

Juridical accumulation fundamentally differs from more visible dispossession modalities documented in planning literature. Direct dispossession involves state seizure of property through demolition, expropriation, or forced eviction. Visible uses of state coercive power invite political opposition and resistance mobilisation. Residents recognise dispossession immediately, organise politically, appeal to courts, build coalitions (Ghertner, 2014).

Juridical accumulation operates through legal and administrative procedures appearing technical, procedural, and neutral. Property registration appears to grant rights rather than subordinate them to market logics; circle rate setting appears to provide technical valuation rather than facilitate speculation; property formalization appears to integrate residents into formal systems granting rights, not exposing them to market discipline. Each procedure appears justified and beneficial; cumulatively, they constitute dispossession yet this cumulative logic remains obscured by technical framing (Kumar, 2011; Harvey, 2005).

This distinction carries profound political implications. Direct dispossession invites immediate recognition and resistance; juridical accumulation resists mobilisation because it operates through market mechanisms and individual transactions appearing as market operation rather than state coercion. Tenant displacement through rent escalation appears as market operation, not dispossession: landlord exercises property rights to set rent, tenant exercises choice to leave rather than pay higher rent. Each transaction appears individually voluntary yet aggregate effect is systematic dispossession. Political mobilisation is difficult against market forces appearing impersonal; residents cannot blame state for landlord rent increases even though state created legal framework enabling rent capture (Yiftachel, 2009; Ghertner, 2014).

#### **5.4 Comparing Forms of Accumulation by Dispossession**

Understanding juridical accumulation requires comparing it against other dispossession forms documented in critical theory. This comparison reveals regularisation's distinctive mechanics.

**Primitive Accumulation (16th-18th centuries, ongoing in periphery):** Involved direct expropriation of peasant populations from land through violence, legal manipulation, and state coercion. Dispossession was visible and violent; peasant resistance was immediate. Separation from means of production was primary goal enabling creation of wage labour systems. Example: British enclosure movements in England, colonialisation processes in Global South.

**Direct Accumulation by Dispossession (20th century urban examples, ongoing):** Involves state-facilitated expropriation through development projects. State identifies land for development, either seizes property through eminent domain or pressures residents to vacate, demolishes existing structures, and enables developer redevelopment. Dispossession visible and traumatic; resistance mobilisation relatively easier as people recognise displacement occurring. Example: Delhi slum demolitions, Mumbai redevelopment projects, American urban renewal.

**Financial Accumulation by Dispossession (contemporary capitalism):** Involves debt-financed speculation where residents purchase properties through mortgages, subsequently unable to service debt during financial crises, triggering foreclosures. Dispossession occurs through debt mechanisms rather than direct expropriation. Appears economically neutral (debt enforcement through legal processes) rather than political coercion. Example: 2008 US housing crisis where millions foreclosed through legal debt processes.

**Juridical Accumulation by Dispossession (regularisation model):** Involves state legalization of informal property followed by market-driven dispossession through rent escalation, property speculation, and debt burden. Distinguishes from financial accumulation through emphasis on juridical transformation enabling market entry. Distinguishes from direct dispossession through reliance on market mechanisms rather than state force. Appears as housing security policy while actually enabling capital accumulation (Delhi PM-UDAY exemplifying this form).

Juridical accumulation represents distinctive form combining elements of others: like primitive accumulation, involves juridical transformation of property relations; like direct dispossession, involves state action facilitating transformation; like financial

accumulation, involves debt mechanisms and credit systems; uniquely, operates through formalization appearing to benefit residents while actually exposing them to market discipline. This distinctive character makes juridical accumulation particularly pernicious: dispossession occurs while appearing to deliver rights; residents experience displacement while officially holding legal title.

### **5.5 The Speed and Invisibility of Juridical Accumulation**

Why does juridical accumulation operate faster and attract less resistance than direct dispossession? Speed reflects multiple factors. First, juridical accumulation operates through market mechanisms responding immediately to policy announcements, whereas direct dispossession requires time for bureaucratic expropriation processes. Speculative capital responds within months to regularisation announcements; government expropriation requires multi-year legal processes. Second, juridical accumulation mobilises existing profit-seeking behaviour (speculation, rent-seeking) requiring no special coercion, whereas direct dispossession requires explicit state violence with political costs.

Invisibility reflects how market mechanisms obscure dispossession origins. When tenant cannot afford rent increases and exits, this appears as tenant's economic choice rather than dispossession mechanism. Landlord extracting value through rent-seeking appears economically rational rather than predatory. Market appears to operate impersonally through supply-demand forces rather than being state-facilitated mechanism. This obscuration makes political mobilisation difficult: how does one resist market forces appearing impersonal and inevitable (Yiftachel, 2009)?

Additionally, juridical accumulation appears beneficent through rights expansion. Residents officially gain property titles conferring legal standing, appearing as empowerment. This appearance contradicts lived experience of displacement, making subjective sense-making difficult. Residents receive formal rights (property title) while experiencing material dispossession (displacement through rent escalation). This contradiction creates cognitive dissonance complicating political consciousness and mobilisation (Harvey, 2008).

### **5.6 State's Role as Facilitator**

Critical analysis reveals state's role not as expropriator but as facilitator of capital accumulation through market mechanisms. State creates juridical infrastructure enabling property formalization (property registers, legal property systems, formal procedures); establishes circle rates enabling market valuation; enforces property law enabling dispossession through market; regulates financial institutions enabling mortgaging; modifies zoning enabling redevelopment. This facilitating role embodies what Brenner & Theodore (2002, p. 365) term neoliberal state logic: "rather than state directly provisioning public goods, neoliberal state creates market infrastructure enabling private capital circulation, thereby downloading service provision to market while maintaining appearance of public provision."

For residents, this state transformation has profound consequences: formal housing rights granted through regularisation become conditional on ability to pay market-determined rents and property values, effectively subordinating housing security to market discipline. State withdraws from direct housing provisioning while actively

constructing conditions enabling market-driven accumulation and displacement (Brenner & Theodore, 2002; Kumar, 2011).

### 5.7 Use-Value to Exchange-Value Transformation

Central to understanding this mechanism is Marx's distinction between use-value and exchange-value. Use-value refers to the utility of a commodity for direct consumption; exchange-value refers to the value a commodity commands in market exchange. Pre-regularisation informal settlements prioritise use-value: residents build housing for living, modify it for personal needs, occupy indefinitely. Ownership and control embedded in social relationships and community norms. Property exchanges, when occurring, happen through informal mechanisms at prices reflecting primarily reproduction costs, not speculation.



**Figure 4** Regularisation transforms informal housing from use-oriented to exchange-oriented

Regularisation triggers transformation from use-value to exchange-value dominance. Formalization enables properties to be valued through market price discovery mechanisms. Property becomes investment vehicle, purchased by speculators anticipating resale profits. Original residents' use-value interests become economically subordinate to investors' exchange-value interests, creating conditions for market-driven displacement (Roy, 2005; Harvey, 2003).

This transformation proves fundamentally contradictory. Housing serves dual function: use-value (shelter for living) and exchange-value (investment vehicle). Use-value maximisation requires affordable housing, long-term occupancy, community stability. Exchange-value maximisation requires high prices, rapid turnover, speculative investment. These functions prove mutually exclusive within capitalist property systems. Once exchange-value logic dominates through formalization, use-value interests become subordinate. Residents find themselves in housing systems where their lived needs (affordable shelter, community stability) conflict with property market logic demanding price escalation and capital circulation (Harvey, 2003; Roy, 2005).

## CHAPTER 6: MECHANISMS OF CAPITAL ACCUMULATION THROUGH FORMALISATION

### 6.1 Juridical Infrastructure Creation and State Subsidy

Central to juridical accumulation by dispossession is understanding state's active role in creating infrastructure enabling market-driven accumulation. Rather than state remaining neutral arbiter of market transactions, state actively constructs conditions enabling capital circulation through formalization infrastructure. This infrastructure includes: property registers establishing formal title systems; survey and demarcation procedures identifying property boundaries; conveyance deed systems enabling formal transfer; circle rate notification systems establishing official property valuations; registration procedures through sub-registrar offices; property taxation systems; credit regulations enabling mortgaging; legal procedures enabling enforcement of dispossession (foreclosure, eviction).

State Action	Type	Mechanism	Capital Enablement	Dispossession Outcome
<b>Property Registration System</b>	Juridical Infrastructure	Creates legal title to replace informal GPA	Enables mortgaging; creates tradeable asset	Informal residents converted to legal subjects of property law
<b>Circle Rate Notification</b>	Valuation & Taxation	Government establishes minimum property values	Attracts speculation; enables credit leverage	Speculation driven by state valuations; market escalation follows
<b>Zoning Modifications (FAR Increase)</b>	Regulatory Modification	Increases permitted development intensity	Enables redevelopment speculation; increases land value	Existing residents displaced through redevelopment pressure
<b>Sub-Registrar Registration Process</b>	Administrative Procedure	Formalization of property transfer	Enables market circulation; recorded ownership changes	Speculative purchasing recorded in formal system
<b>Mortgage Regulation</b>	Financial Policy	Banking regulation enabling property-secured loans	Debt-financed speculation; capital leverage	Debt burden on residents unable to service mortgages
<b>Dispute Resolution (Property Law)</b>	Legal Enforcement	Court enforcement of property rights; eviction law	Protects investor interests; enables forced eviction	Tenant eviction through market mechanisms; legally enforced
<b>Public Land Lease Terms</b>	Governance	DDA land lease modifications favoring development	Developer interest in regularised colonies	Pressure to vacate for redevelopment projects

**Table 3 Juridical Accumulation Mechanism**

Each component appears technical and procedural, yet collectively they constitute infrastructure enabling property market circulation. This infrastructure requires state investment and labour: DDA conducts surveys, establishes registries, notifies circle rates, processes transfers. State effectively subsidises property market infrastructure through these functions. Market agents capture profits from this state-constructed infrastructure while state bears costs. State investment in registries, surveyors, processing staff effectively transfers wealth to property market participants through

discount they receive on market-creation costs. If private actors had to build this infrastructure themselves, market development would be economically impossible; state's contribution makes property market viable (Roy, 2005; Kumar, 2011).

This represents fundamental subsidy to capital by state disguised as neutral administrative function. Regularisation does not operate at zero cost; DDA spends hundreds of millions on surveying, registration, processing, yet costs are borne publicly while profits accrue to private property speculators. This asymmetry represents systematic wealth transfer from public to private through seemingly technical administration (DDA budgets, 2019-2024).

## **6.2 The Formalization Paradox**

Empirically, regularisation creates paradoxical outcomes: formalization simultaneously grants property rights to residents whilst enabling market mechanisms producing dispossession. For property-owning residents, formalization enables: formal title conferring legal standing; access to formal credit enabling investment; capital gains realisation as property values appreciate; property transfer and inheritance through formal mechanisms. These represent genuine empowerment for property owners enabling wealth accumulation and housing security.

Yet for renters and non-property holders, formalization produces inverse outcome: landlords enabled by formalization to capture value through rent increases; tenants unable to afford inflated rents forced to exit; non-property-owning residents receiving zero regularisation benefits. This paradox reflects formalization operating within capitalist property systems where use-value becomes subordinated to exchange-value logics. Formalization cannot simultaneously empower property owners through enabling capital gains while protecting tenants from market-driven displacement, as market logics inherent to property systems require that some actors' property gains translate into others' displacement (Aalbers, 2016; Harvey, 2008).

The paradox reveals fundamental incompatibility between different policy objectives: housing security for all residents versus property rights enabling capital gains for property owners. These objectives operate in zero-sum relationship where advancing one undermines the other. Regularisation succeeds brilliantly in delivering property rights enabling capital gains; it fails catastrophically in delivering housing security for low-income residents. This is not implementation failure but structural contradiction: within capitalist property systems, housing security for non-property-owning residents is incompatible with property rights enabling capital gains for property owners (Harvey, 2003).

## **6.3 Three Modalities of Market-Driven Dispossession**

The research identifies three distinct modalities through which regularisation facilitates dispossession, each reflecting different mechanisms yet collectively producing comprehensive displacement:

### **Modality One: Commodity-Driven Dispossession (Property Sales to Outsiders)**

Occurs when property-owning residents, recognising capital gains opportunities following price escalation, sell properties to investor-speculators or outsiders.

Residents realise capital gains and exit colonies. This appears as voluntary transaction: residents choosing to capitalise on appreciation and exit. Yet it represents constrained choice driven by speculative market dynamics created through formalization. Residents exit not because they desire to leave established communities but because market logic makes remaining economically irrational given housing costs. Residents cash out appreciation gains that informal property system would never have enabled, yet become unable to afford replacement housing in escalated market. This modality affects property owners particularly.

Example: Small property owner in Khirki Extension purchased informal house 2005 for Rs 500,000. By 2019 (pre-regularisation), informal property was valued around Rs 2 million by community standards. After formalization announcement, property valued Rs 8 million by formal market. Owner cashes out Rs 8 million appreciation, exits community, yet cannot afford replacement formal housing in Delhi now costing Rs 15-20 million. Owner becomes urban refugee despite apparent capital gains. This appears as voluntary choice yet represents dispossession through market mechanisms.

### **Modality Two: Rent-Driven Dispossession (Market-Based Eviction)**

Occurs when landlords, capturing value through rent-seeking behaviour, raise rents to capture portion of property value appreciation. Tenant households, unable to afford inflated rents, are forced to exit. This is most severe form affecting lowest-income residents lacking property ownership. Systematic rent escalation documented at 19.56 percent annually (versus general inflation 5-6 percent) indicates deliberate rent-seeking by landlords capturing formalization-driven appreciation. Tenants experience displacement entirely through market mechanisms: inability to afford rent increases. This appears as market operation, not dispossession, yet outcome is systematic displacement.

Example: Tenant household renting 1-BHK in Sangam Vihar paid Rs 3,200 monthly rent (2019). By 2024, landlord increased rent to Rs 7,800 monthly (144 percent escalation). Tenant household income (informal labourer) increased only 15 percent during same period. At 2024 rent, housing consumed 65 percent of household income; economically unsustainable. Tenant exits to peripheral area with lower rents. Landlord captures appreciation through rent-seeking; tenant experiences dispossession through market rent escalation. This modality affects approximately 40 percent of tenant population across case-study colonies.

### **Modality Three: Debt-Driven Dispossession (Financial Predation)**

Occurs when residents finance property improvements or consumption through mortgage debt, subsequently unable to service debt when economic circumstances change. Debt burden forces property sales or forfeiture. Typical scenario: resident obtains property title through formalization, accesses bank mortgage for housing improvements, experiences income shock (illness, job loss) or inflation, unable to service debt, forced to sell property or face foreclosure. Debt-servitude represents another market mechanism enabling dispossession: residents not directly evicted but become unable to sustain property ownership due to debt obligations (Taylor, 2019).

Example: Small contractor obtains formal title to modest property in Chhatarpur. Banks offer mortgage for property improvement financing at 10 percent interest. Contractor

borrow Rs 1 million (Rs 10,000 monthly repayment). Following construction slowdown, contractor income declines 40 percent. Unable to service debt, contractor defaults. Bank forecloses on property. Contractor, who appeared empowered through property title and credit access, becomes indebted and dispossessed through predatory financial inclusion.

These three modalities operate cumulatively: commodity-driven dispossession affects early beneficiaries; rent-driven dispossession affects tenant majority; debt-driven dispossession affects intermediate beneficiaries who accessed credit. Collectively, these modalities produce comprehensive displacement affecting different population segments through different mechanisms yet all operating through market logic enabled by formalization.

#### **6.4 Financial Predation: From Credit Access to Debt Burden**

Regularisation facilitates financialisation by enabling property-backed mortgages and formal credit access. However, credit proves predatory rather than liberatory for most residents. Credit channelled toward speculative property purchases by investors rather than productive improvements or affordable housing expansion. When residents access mortgages, debt burden transforms into liability rather than asset, particularly when economic circumstances change or inflation increases (Aalbers, 2016; Taylor, 2019).

Financial inclusion operates as “predatory inclusion,” converting excluded populations into debtors rather than genuinely including them into wealth-accumulation systems. This concept, developed by Taylor (2019) analyzing US housing crisis, applies directly to Delhi: formal credit access through regularisation appears liberatory (residents can finally borrow against property) yet functions as debt-entrenchment mechanism. Mortgaged homeownership, promoted as vehicle for wealth accumulation and social mobility, functions primarily to extract wealth from debt-burdened residents unable to service debt obligations.

Regularisation facilitates this predation through several mechanisms: (1) Bank lending encouraged by collateralised property; (2) Interest rates charged at market rates (10-14 percent) reflecting risk premiums yet absorbing substantial income for low-income borrowers; (3) Inflation eroding real wages while debt obligations remain fixed, increasing debt burden over time; (4) Economic vulnerability of informal sector ensuring income shocks trigger debt servicing crises. For educated, secure formal sector workers, credit proves productive wealth-building tool. For informal workers with volatile incomes, credit proves debt-entrenchment mechanism (Taylor, 2019; Aalbers, 2016).

#### **6.5 Speculative Investment Dynamics in Regularised Colonies**

Speculative investment proves central to understanding how regularisation enables capital accumulation. Investor-speculators recognise newly-formalised land as investment opportunity with capital appreciation potential. Speculative purchasing behaviour changes property market dynamics fundamentally. Pre-regularisation, property transactions involved primarily resident-to-resident transfers at prices reflecting reproduction costs and community norms. Post-regularisation, investor-speculators entering market as new actor category purchasing properties not for

inhabitation but for capital gains realization (Sub-Registrar transaction data, 2019-2024).

This investor influx transforms market dynamics in multiple ways: (1) Purchase prices escalate beyond reproduction costs as investors compete for properties, bidding prices up; (2) Properties become held shorter periods as investors trade for profit rather than occupy for living; (3) Rental rates escalate as investor-landlords seek investment returns through rent extraction; (4) Developer interest in bulk property acquisition for redevelopment increases speculative pressure.

Empirically, property turnover rates increased post-regularisation: pre-regularisation average holding period approximately 8-12 years (properties transferred occasionally through family or community sale); post-regularisation average holding period 1-3 years (investor purchases followed by resale). This accelerated turnover reflects speculative investment behaviour incompatible with residential use (Economic Times, 2024; property broker interviews, 2024-2025).

## **CHAPTER 7: GLOBAL COMPARATIVE PERSPECTIVE ON REGULARISATION MODELS**

### **7.1 Alternative Regularisation Models: Case Studies**

Global analysis reveals that India's market-driven individual property formalization approach ranks lowest on housing justice dimensions compared to community-based approaches documented internationally. This comparative perspective demonstrates that market-driven outcomes are not inevitable but reflect policy choices. Alternative regularisation models exist globally providing superior housing justice outcomes while still providing tenure security (Zazyki, 2022; World Bank, 2023; Krueckeberg, 2000).

### **7.2 Rwanda: Community-Based Participatory Titling**

Rwanda's post-genocide land certification program provides revealing contrast to India's market-driven model. Following 1994 genocide, Rwanda faced massive displacement and land tenure chaos with 2 million refugees returning to country with contested land claims. Rather than state-imposed individual titling, Rwanda adopted community-based, participatory tenure recognition model (King, Iyer & Lyons, 2017).

Rwanda's model operated through four principles: (1) Community demarcation where communities themselves identified parcel boundaries through local knowledge rather than state surveyors; (2) Community dispute resolution where land conflicts resolved through community mechanisms rather than courts; (3) Participatory registration where communities registered collectively-documented claims through decentralised processes; (4) Use-rights protection where registration protected use rights rather than establishing exclusive ownership enabling alienation. Critically, Rwanda restricted property alienation through limiting transfers to community members, preventing speculative investment by outsiders (King, Iyer & Lyons, 2017).

Rwanda's outcomes: Minimal displacement (5-10 percent documented versus India's 38-45 percent); maintained affordability as alienation restrictions prevented speculative price escalation; community control over land allocation decisions; sustained tenure security through community enforcement mechanisms. Justice outcomes measured as 8.0/10 (on 0-10 scale developed in this research), compared to India's 2.0/10. Rwanda demonstrates that formalization need not commodify; community control prevents market-driven dispossession (King, Iyer & Lyons, 2017; Zazyki, 2022).

Critical difference: Rwanda emphasised community participation and collective tenure whereas India emphasised state-imposed individual property rights. This institutional difference proved decisive: Rwanda's community-controlled model prevented accumulation by dispossession; India's state-imposed model facilitated it.

### **7.3 Brazil: Community Land Trusts and Collective Tenure**

Brazil's experience with Community Land Trust (CLT) model provides alternative to individual property formalization. Brazilian CLTs operate through non-profit entities holding land collectively while residents receive use-rights to specific dwellings. This model separates land ownership (collective/non-profit) from housing ownership

(individual), preventing land speculation while enabling housing security (Krueckeberg, 2000; Watson, 2014).

CLT model advantages: (1) Land held in perpetuity prevents displacement through alienation; (2) Use-rights inheritable and transferable yet restricted to community members, preventing outside speculators; (3) Rents capped at levels ensuring affordability; (4) Community governance over land management decisions; (5) Land value capture benefits community rather than individuals. Santo André and Diadema CLTs in São Paulo demonstrate these principles operationally, maintaining affordability while enabling housing security (Krueckeberg, 2000).

Brazil's comparative outcomes: Moderate-to-good tenure security with minimal displacement (15-25 percent documented); maintained affordability through rent controls and alienation restrictions; community participation in governance; justice outcomes ~4.3/10. While lower than Rwanda's community-participatory model, Brazil's CLT approach significantly outperforms India's market-driven model (4.3/10 vs 2.0/10) (Krueckeberg, 2000; Zazyki, 2022).

Brazil demonstrates that collective tenure mechanisms enabling community control prove more effective than individual property rights in preventing accumulation by dispossession and maintaining housing security.

#### **7.4 South Africa: Communal Tenure and Post-Apartheid Reform**

South Africa's post-apartheid land reform program attempted to balance individual property rights with communal tenure recognition. Rather than pure individual titling, South Africa recognised "communal tenure" systems where land held collectively while use rights allocated to individuals. This hybrid model sought to honour indigenous tenure systems while providing formal legal recognition (Watson, 2014).

South Africa's outcomes: Moderate tenure security with documented displacement rates of 10-20 percent; maintained affordability in many contexts through communal management of land allocation; enabled community governance though imperfectly; justice outcomes ~5.8/10. South Africa's communal tenure approach outperformed market-driven models but underperformed community-controlled participatory models like Rwanda (Watson, 2014; Zazyki, 2022).

South Africa's experience reveals that hybrid individual-communal models provide moderate housing justice outcomes better than pure individual property rights but inferior to fully community-based approaches.

#### **7.5 Why Communities Matter: Institutional Mechanisms Protecting Justice**

Comparative analysis reveals that community participation, collective/communal tenure systems, and alienation restrictions prove decisive in preventing accumulation by dispossession. These institutional mechanisms operate through multiple protections: (1) Community participation in land allocation decisions prevents speculative investor access; (2) Alienation restrictions prevent property transfers to outside speculators, containing land within community circulation; (3) Collective/communal tenure prevents individual commodification enabling exchange-value logic; (4) Community rent-setting and affordability controls prevent landlord rent extraction; (5) Community

dispute resolution mechanisms more aligned with solidarity than court systems emphasizing property rights (Zazyki, 2022; Watson, 2014).

These mechanisms prove necessary preconditions for preventing regularisation from facilitating accumulation by dispossession. Without community control, formalization inevitably triggers market-driven outcomes. With community control, formalization can provide tenure security without commodification (Zazyki, 2022).

## **7.6 Could India Adopt Alternative Models? Feasibility Analysis**

Question of feasibility naturally arises: could India adopt alternative community-based models instead of current market-driven approach? Analysis suggests both barriers and possibilities.

**Barriers to Alternative Models:** 1. Institutional path dependency: State institutions built around individual property rights cannot easily shift toward communal tenure without fundamental restructuring; 2. Political-economic interests: State profits from property taxation and market-driven development; alternative models reducing state revenue would face resistance from fiscal interests; 3. International lending conditions: World Bank and IMF frequently condition development financing on privatisation and market expansion, constraining policy space for alternative models; 4. Ideological embedding: Market-driven individualism deeply embedded in neoliberal state apparatus making collectivist models appear foreign/inappropriate; 5. Resistance from property interests: Middle-class property owners and real estate industry benefit from current market-driven model and would oppose alternatives enabling community control.

**Possibilities for Change:** 1. Political mobilisation: If displaced residents and urban poor organisations mobilise demanding alternative models, political pressure could shift policy; 2. Alternative institutions: NGOs and CBOs could pilot alternative tenure models demonstrating feasibility and generating demand for scaling up; 3. Demonstration effects: International examples like Rwanda and Brazil could provide policy templates informing Indian alternatives; 4. Legal reform: Constitutional amendments protecting right to the city and collective tenure could enable alternative models within legal framework; 5. Financial innovation: Innovative financing mechanisms (community development funds, cooperative banks) could support alternative models without relying on state resources.

Feasibility appears low under current political-economic conditions but not impossible with sustained political mobilisation and institutional experimentation. The necessary preconditions for change would require: (1) organised political pressure from affected populations; (2) supportive policy actors and planning intellectuals; (3) international solidarity and learning from global experiences; (4) willingness to confront property interests and state revenue interests. These preconditions do not currently exist but are not inherently impossible.

## CHAPTER 8: POLICY IMPLICATIONS AND ALTERNATIVES

### 8.1 Critique of Current Approach

The current PM-UDAY approach fundamentally fails its stated objectives for multiple reasons, revealing regularisation as mechanism of capital accumulation rather than housing security. Critique identifies systematic failure across implementation, distribution, and sustainability dimensions.

**Implementation Failure:** After six years, only 3.4 to 10.2 percent of eligible population obtained property rights despite scheme's professed universal ambitions. Success rates declined from 57 percent (2022) to 49 percent (2024), indicating deteriorating implementation capacity. Processing backlogs expanded from 2,900 (2020) to 25,701 (2025), demonstrating structural institutional incapacity. DDA processes only ~5,550 properties annually versus 15,000-20,000 annual applications, indicating massive implementation-demand gap (DDA, 2024-2025). This massive gap renders scheme unable to serve stated targets regardless of policy intent.

**Regressive Distribution:** Regularisation benefits concentrated among relatively better-off residents within colonies (small shopkeepers, contractors, skilled workers) while excluding poorest residents (daily labourers, recent migrants, lowest-income households). Spatial variation shows West Delhi regularisation rates 4-8 times higher than northeast colonies, reproducing inequality patterns across geographic space. Most fundamentally, tenant households (35-45 percent of population) receive zero regularisation benefits, making scheme structurally exclusionary despite universal framing (DDA data, 2024).

**Market-Driven Displacement:** Rather than providing housing security, regularisation triggered market-driven displacement through rent escalation (144 percent, 2019-2024) and speculative property turnover. Tenant displacement rates of 38-45 percent documented across case-study colonies, indicating regularisation worsened housing security rather than improving it. Housing cost burdens doubled from 27.5 percent to 50 percent of income, rendering "affordable" housing unaffordable through market mechanisms (Centre for Urban Equity, 2024; Economic Times, 2024).

**Lack of Democratic Participation:** Regularisation designed and implemented through top-down state processes with minimal resident consultation or participation. Residents affected by scheme decisions had no voice in determining regularisation design, eligibility criteria, or implementation procedures. This violates principles of democratic participation and right to the city framework emphasising residents' role in decisions affecting their housing (DDA procedures, 2024).

**Weak Institutional Commitment:** Declining success rates, expanding backlogs, and reduced processing capacity indicate state's weak institutional commitment to regularisation delivery. Despite official policy priority, DDA failed to allocate resources sufficient for promised implementation scale. Resources remained constant despite application surges, indicating regularisation not prioritised relative to other DDA functions. This suggests either incompetence or deliberate resource starvation reducing political pressure for implementation (DDA records, 2024-2025).

## **8.2 Alternative Frameworks for Housing Justice**

Alternative approaches should prioritise housing security, spatial justice, and right to the city as core objectives over neoliberal accumulation logics. These alternatives require institutional transformation and political commitment currently absent.

### **Alternative One: Community-Based Collective Tenure Recognition**

Rather than individual property formalization, alternative framework recognises community-controlled collective tenure. Model would: (1) Recognise communities' collective claim to land through community-level documentation rather than individual titles; (2) Establish community governance bodies determining land allocation to residents; (3) Restrict alienation to community members, preventing outside speculative investment; (4) Protect affordability through community rent-setting and transfer price controls; (5) Enable participatory decision-making regarding community development.

This model, similar to Rwanda's approach, prevents commodification through collective tenure preventing individual exchange-value logic. Community control enables use-value prioritisation ensuring shelter security. Alienation restrictions prevent speculative investment. Community governance enables democratic participation in decisions affecting housing. Justice outcomes significantly higher than market-driven models (Rwanda model achieving 8.0/10 justice score versus India's 2.0/10) (Zazyki, 2022; King et al., 2017).

Institutional requirements: Establish community organisations representing residents; build governance capacity through training and resources; develop legal frameworks recognising collective tenure; reform property law enabling collective ownership; allocate state budget for supporting community governance. Political requirements: Overcome state resistance to revenue loss from property taxation; overcome property owner resistance to alienation restrictions; mobilise resident organisations demanding alternative models (Watson, 2014; Zazyki, 2022).

### **Alternative Two: Community Land Trust Model**

Adapt Brazilian CLT model to Indian context. Model would establish non-profit entities holding land collectively while residents receive perpetual use-rights. Use-rights would be: (1) Inheritable through families; (2) Transferable but only to community members approved by community bodies; (3) Not subject to market sale preventing speculation; (4) Associated with affordable rents set by community bodies. Land value appreciation would benefit community rather than individual landowners, providing community development fund (Krueckeberg, 2000).

This model maintains tenure security while preventing commodification through separating land ownership (collective/non-profit) from housing use-rights (individual but non-commodifiable). CLT proves particularly suitable for renters enabling housing security without property ownership requirement. Justice outcomes moderate-to-good (CLT achieving 4.3/10 justice score) (Krueckeberg, 2000; Zazyki, 2022).

Institutional requirements: Establish CLT non-profit entities; develop community capacity for governance; secure land base for CLT operation; establish financing mechanisms enabling CLT operations; reform legal frameworks enabling non-profit

collective ownership. Political requirements: Overcome developer resistance to collective ownership; overcome state revenue interests; establish political coalitions supporting CLT establishment (Krueckeberg, 2000).

### **Alternative Three: Housing Rights Through Public Provision**

Rather than formalising market-based tenure, alternative framework establishes public provision of secure housing as right. Model would: (1) Establish public housing corporations directly constructing and maintaining housing for low-income populations; (2) Allocate housing based on need rather than market purchasing power; (3) Enable indefinite tenure through public ownership and protection against market displacement; (4) Set rents at affordable levels reflecting household income rather than market prices; (5) Guarantee housing security through public commitment rather than market mechanisms.

This represents return to post-independence housing provision logic but expanded scale and commitment. Public provision proves most effective at ensuring housing security as housing allocation based on need rather than market logic enables universal coverage (Roy, 2005; Harvey, 2008).

Institutional requirements: Establish public housing corporations; secure substantial fiscal allocation for housing construction; build construction and management capacity; establish allocation procedures ensuring equity and access. Political requirements: Overcome neoliberal state ideology prioritising market over public provision; secure massive fiscal commitments competing with other public priorities; overcome real estate industry resistance to public housing provision (Roy, 2005; Harvey, 2008).

## **8.3 Specific Policy Recommendations**

For immediate implementation within existing political framework:

**Recommendation One: Mandatory Community Participation** Require community representation in regularisation implementation decisions. Establish resident organisations formalised through administrative procedures. Require DDA consultation with community representatives regarding regularisation design, eligibility criteria, and implementation procedures. This would address democratic deficit in current top-down approach while enabling community voice (at least advisory) in affecting decisions (DDA reforms, procedural).

**Recommendation Two: Tenant Protection Framework** Establish legal rent controls limiting rent escalation to general inflation rates plus 5 percent annually. Prevent eviction during active regularisation process. Establish tenant security provisions ensuring non-displacement through rent escalation. This would prevent market-driven displacement documented following regularisation (Legal reforms, 2025-2026).

**Recommendation Three: Affordability Protection Mechanisms** Establish affordability thresholds: property transfer prices limited to reproduction cost plus 10 percent; rents capped at 25 percent of household income. Require proportion of regularised properties designated as “affordable housing” restricted to community members. This would prevent speculative price escalation and maintain affordability (Property law reforms, 2025-2026).

**Recommendation Four: Expanded Public Housing Provision** Allocate fiscal resources for public housing construction equivalent to at least 10 percent of capital budget. Establish public housing corporation tasked with constructing 100,000 units annually specifically targeting low-income populations. This would provide housing security pathway alternative to market-dependent regularisation (Fiscal and institutional reforms, 2025-2026).

**Recommendation Five: Strengthen Institutional Capacity** Allocate resources for DDA expansion: hire additional staff for regularisation processing, establish dedicated regularisation directorate, provide training and equipment for accelerated processing. Current processing backlogs reflect resource constraints, not inherent incapacity. Adequate resourcing could dramatically accelerate implementation serving populations currently excluded (DDA budgetary reforms, 2025-2026).

These recommendations operate at different scales: Recommendations One-Three address regularisation implementation within existing market framework (incremental reforms); Recommendation Four addresses fundamental housing system transformation (systemic reform); Recommendation Five addresses institutional capacity (implementation reform).

All recommendations presume political commitment currently lacking. Without fundamental political shifts prioritising housing security over capital accumulation, even incremental recommendations face implementation resistance. Yet these recommendations establish policy pathway toward justice should political will crystallise.

## CHAPTER 9: CONCLUSIONS AND FUTURE RESEARCH

### 9.1 Key Findings

This dissertation establishes five key findings regarding regularisation as accumulation by dispossession mechanism:

#### **Finding One: Regularisation operates through juridical accumulation by dispossession mechanism**

Regularisation facilitates accumulation by dispossession not through direct violence but through four-stage juridical mechanism: state recognition establishing legal property frameworks; commodification enabling market integration; speculative capital circulation and value escalation; and market-driven dispossession through rent escalation and debt burden. This juridical mechanism proves particularly pernicious because it operates through apparently beneficial legal reforms (property rights conferral) while actually enabling capital appropriation and resident displacement. Property rights formalization appears to empower residents while subordinating them to market discipline incompatible with housing security.

#### **Finding Two: Regularisation produces profoundly unequal distributional outcomes**

Rather than universal benefaction, regularisation produces starkly unequal distributional outcomes: property-owning classes capture 100 percent of capital gains (Rs 3.25 lakh crore total estimated), while tenant and informal worker populations experience zero capital gains and face 38-45 percent displacement rates. Within property owners, wealth concentration index of 2.18 reflects extreme inequality with landlords capturing 2.26 times average wealth. Most fundamentally, tenant households (35-45 percent of population) receive zero regularisation benefits despite constituting most vulnerable displacement population. Regularisation thus represents mechanism of wealth concentration and inequality amplification rather than equitable distribution.

#### **Finding Three: PM-UDAY implementation has catastrophically failed stated objectives**

After six years, PM-UDAY benefited only 3.4-10.2 percent of 1.31 million eligible population. Success rates declined from 57 percent (2022) to 49 percent (2024), indicating deteriorating institutional performance. Implementation backlogs grew from 2,900 to 25,701 applications, demonstrating structural incapacity. Geographic variation shows West Delhi regularisation rates 4-8 times higher than northeast colonies, reproducing and amplifying inequality. Most critically, regularisation failed to prevent tenant displacement: displacement rates of 38-45 percent documented across case-study colonies indicate regularisation worsened rather than improved housing security. This systematic failure across all major dimensions demonstrates catastrophic policy failure—unless regularisation's true logic is not housing security but capital facilitation.

#### **Finding Four: Rent-driven displacement operates through entirely lawful market mechanisms**

Tenant displacement triggered through lawful landlord rent escalation reflects market operation rather than state coercion. Yet aggregate effect produces systematic

dispossession functionally equivalent to demolition-based removal documented in earlier periods. Rents escalated 144 percent (2019-2024) at annual rates of 19.56 percent, dramatically exceeding general inflation (5-6 percent) and Delhi market average (10-12 percent), indicating regularisation-specific landlord rent-seeking behaviour. This pattern reveals how capital accumulation and resident dispossession operate through market mechanisms appearing impersonal and economically rational rather than political coercion. Invisibility of this dispossession—it operates through individual market transactions rather than visible state violence—makes political mobilisation difficult. Yet outcomes prove functionally identical to direct dispossession: residents forced from housing and communities through economic pressure.

### **Finding Five: Planning has transformed from mediating competing claims to facilitating capital accumulation**

Historical analysis reveals planning's institutional role transformation from cross-subsidisation models attempting equity distribution (post-independence) toward market facilitation logic enabling capital circulation (contemporary neoliberalism). Regularisation exemplifies this transformation: design choices emphasising individual property formalization, administrative procedures facilitating market integration, and enabling property-backed credit all prioritise capital facilitation over housing security. This institutional transformation reflects neoliberal state logic where state withdraws from direct provisioning while actively constructing market infrastructure enabling private capital appropriation. For residents, this transforms housing from state-provided right into market-mediated commodity requiring market purchasing power. Planning, ostensibly neutral technical apparatus, becomes active agent of capital accumulation and inequality reproduction.

## **9.2 Theoretical Contributions**

This dissertation makes four major theoretical contributions to planning scholarship and urban theory:

### **Contribution One: Concept of "Juridical Accumulation by Dispossession"**

The dissertation develops the concept of "juridical accumulation by dispossession," extending Harvey's foundational accumulation by dispossession framework toward understanding contemporary regularisation mechanisms. While Harvey's original framework emphasised direct state expropriation (dam projects, infrastructure acquisition), juridical accumulation operates through legal and administrative procedures apparently conferring rights while subordinating them to market logics. This concept proves necessary for understanding how contemporary capital accumulation operates through juridical transformation rather than direct violence. The concept enables analysis of regularisation not as policy failure but as successful capital facilitation mechanism operating through market rather than state coercion. This theoretical innovation advances accumulation theory into contemporary planning contexts where capital operates increasingly through technical and legal procedures rather than visible force.

## **Contribution Two: Integration of Multiple Theoretical Traditions into Cohesive Framework**

The dissertation integrates Marxist political economy (primitive accumulation), critical urban theory (Harvey, Roy, Yiftachel), planning theory (Kumar), and housing finance (Aalbers, Taylor) into cohesive analytical framework understanding regularisation as capital accumulation apparatus embedded within planning systems. This theoretical synthesis reveals regularisation not as isolated housing policy but as manifestation of broader planning transformation under neoliberalism. Synthesis demonstrates how regularisation simultaneously activates multiple accumulation mechanisms: commodification enabling market integration (Roy), aestheticisation enabling juridical incorporation (Ghertner), state facilitation enabling market infrastructure (Kumar), financialisation enabling debt mechanisms (Aalbers), and displacement through market mechanisms (Harvey). No single theoretical tradition explains regularisation's complexity; only synthesis of multiple traditions enables comprehensive understanding.

## **Contribution Three: Empirical Documentation of Complete Displacement Pathway**

The dissertation empirically documents the complete pathway from regularisation announcement through market-driven dispossession: policy announcement → property value escalation → rent escalation → tenant displacement. This temporal and causal documentation reveals how policy innovation, market response, and resident displacement interconnect through speculative dynamics. Temporal correlation between announcement and market response proves market's recognition of formalization as capital accumulation opportunity. Rent escalation documentation proves landlord capture of speculative gains. Displacement rate documentation proves material consequence of market mechanisms. This empirical chain links policy to outcome in ways theoretical frameworks alone cannot establish, validating theoretical predictions through precise data.

## **Contribution Four: Reconceptualisation of Planning as Political-Economic Apparatus**

The dissertation advances planning scholarship by reconceptualising planning not as technical governance serving public welfare but as political-economic apparatus embedded within neoliberal accumulation logics. This reconceptualisation challenges planning discipline's default assumption of planning's technical rationality and neutral mediation. Rather, planning proves systematically oriented toward facilitating market expansion and capital accumulation while maintaining appearance of serving public interest. This insight enables critical understanding of how planning institutions become instruments of inequality and dispossession despite officially professed public welfare commitments. The insight proves necessary corrective to planning scholarship's tendency toward institutional naiveté regarding planning's actual role in inequality reproduction.

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