In this chapter, forms of ‘small-scale’ land grabbing in urban West Bengal shed light on the workings and methods of local ‘land mafias’ and their entanglement with state officers, the police, judges and politicians. The chapter uses the concept of ‘blurred boundaries’ to explore local manifestations of intreccio, particularly mastan raj (rule by thugs/enforcers). In the process, the field research reveals how the reach of the state as the provider of justice is limited by at least two factors: first, by an inefficient court system, and second, by corrupt state functionaries and politicians. Ultimately, the chapter shows that the justice system is deeply bound into a nexus of party politics, crime and business, a nexus that is essential to the working of the criminal economy.¹

Since the early 2000s India has experienced what has been termed ‘a spectacular real estate boom’ (Searle 2016: 5). Developers have built new shopping malls, five-star hotels, office and education complexes and high-rise apartment buildings in India’s major cities and have bought hundreds of thousands of acres of farmland in order to build more (ibid.: 5). Because of the high demand for and limited supply of land, commonly due to geographic limitations and political restrictions, prices have ‘skyrocketed’ (Weinstein 2008: 22) enabling developers to make fortunes, which in turn has encouraged land speculators and pushed land values even higher as they bid for parcels (Chakravorty 2013; Searle 2014; 2016).² Kolkata, capital of West Bengal and one of India’s major cities, was witness to this building frenzy and to rising real estate prices, while the number of land speculators soared – although perhaps not as much as in cities such as Mumbai and Delhi (Weinstein 2008; Searle 2016).
From the early 1990s, and in the wake of economic liberalisation in India making private and foreign investments in real estate possible, all sorts of enterprising agents and agencies, both public and private, have taken an interest in the real estate market, hoping to make a quick profit.  

In this building frenzy and race for profits, land becomes a scarce commodity and researchers have pointed out the costs and consequences of displacing people in the name of development:

In India, the government has been the primary coercive agent, assisting corporations in accessing cheap land, and so scholars have documented the experiences of people caught up in state projects, particularly those torn violently from their homes and pushed to the urban fringes through flawed slum demolition and resettlement projects, as well as farmers dispossessed of their land for SEZs and other corporate projects. (Searle 2016, 8)

While such large-scale government land acquisition, which in turn gives rise to resistance and political mobilisation, has been extensively researched (Shrivastava and Kothari 2012; Nielsen 2014; Das 2016), small-scale ‘land grabbing’ in urban areas, which can shed light on the workings and methods of local ‘land mafia’ and the role of the state, remains to be explored. In Mumbai, Liza Weinstein has followed the rise and transformation of Mumbai’s major organised crime groups (OCGs) since the 1950s, arguing that their recent entrance into land and property development is ‘a product of the liberalisation and globalisation of the Indian economy’ (Weinstein 2008: 23). By following OCGs and seeing their entrance into real estate as a way of sustaining and financing themselves locally and globally, Weinstein finds that, although the majority of Mumbai’s major property developers do not have connections to OCGs, their increased participation in and influence on the development industry has led to the criminalisation of land development. While my findings can be seen to support the view that land development is subject to criminalisation, the approach is different. Except for occasional references to state practices of corruption and neglect, Weinstein does not really localise ‘the state’ and electoral politics. In her discussion she seems to suggest the breaking down or shifting of boundaries between formal and informal governance, between state and mafia; however, she does not provide any illustrations of such shifts. Rather, what she does show is how these OCGs seem to operate in cooperation with, but still separate from, the state: enterprising slumlords taking advantage of the political dilemma of a central government pursuing a strategy of state-supported
industrial development that causes migration but includes no accompanying strategy for housing a growing population. In this policy vacuum, OCGs were allowed to operate – undisturbed – ‘by registering the new residents to vote for local politicians and paying bribes to police and officials in the Bombay Municipal Corporation’ (Weinstein 2008: 26). It is hard not to see the relationship between the state and OCGs, as discussed by Weinstein, as one of binary opposition, with the state on the one side and OCGs on the other, and not, as suggested towards the end, one of shifting or blurred boundaries (see Gupta 1995) or intreccio (see Introduction to this volume). To avoid presenting the state as a unitary, centralised entity that is separate from society, I find Veena Das and Deborah Poole’s Anthropology in the Margins of the State (2004) useful. In the introduction to this rich collection of essays, Das and Poole propose that we explore the state margins, that is, ‘the places where the state law and order continually have to be re-established’, because state power is always unstable, ‘something best seen when one moves away from the center’ (Asad 2004: 279). They go on to identify three ways in which the state’s margins may be imagined. I, however, am interested mainly in the second, described as ‘spaces, forms, and practices through which the state is continually both experienced and undone through the illegibility of its own practices, documents, and words’ (Das and Poole 2004: 9). This approach allows us to see what is included and what is excluded in state practices and, as I see it, enables us to understand both what it can and cannot or even will or will not achieve, which is to say its governing limitations as well as potentialities. In the cases discussed in this chapter, the reach of the state as provider of justice is limited by at least two things: first, by an inefficient court system, and second, by corrupt state functionaries, including the police, because the government ‘allows’ it, or does not control or constrict its functionaries, allowing us to talk about a mafia state – a mastan raj.

**A short background**

Kolkata is the oldest and the third largest metropolis in India, after Mumbai and Delhi. Located in the state of West Bengal, it now extends over 1,854 km² on both banks of the Hooghly river and has a population of over 15 million. The Kolkata Metropolitan Area (KMA) comprises three municipal corporations, several small- to medium-sized municipalities, many small and medium-sized cities, and numerous towns and villages. However, the core area of the city, on the eastern bank of the river, also
known as the Kolkata Municipal Corporation area, covers about 184 km² and is home to 4.85 million people. The projected population for the KMA in 2025 is 21 million, with most of the increase taking place in the outer districts of the metropolitan area, as growth within the central neighbourhoods has been almost stagnant in the past decade (Chen, Wang and Kundu 2009).

The private real estate business in Kolkata is dominated by the Marwaris. The Marwaris are arguably the wealthiest and most successful business and industrialist community in India. For over three hundred years, migrant merchant traders have travelled from villages scattered over Eastern Rajasthan to towns and cities across Northern and Eastern India, Bangladesh and the wider South East Asian region, as well as to Russia and central Asia. Although these migrant traders belonged to a variety of trading lineages and identified themselves by various sub-castes as well as by religious labels such as Hindu and Jain, by the late nineteenth century these traders had also acquired the multivalent and largely unwanted ethnic tag of ‘Marwari’. The Marwaris rose to prominence, mainly in Bengal where they quickly became a formidable economic ruling class under colonial rule; this was even more the case in independent India (Hardgrove 2004). Even today, the Marwaris are behind most large-scale and high-profile development projects in Kolkata, commonly organised as joint enterprises of the government of West Bengal with names such as the Shrachi, Emami, Sureka, MKJ, JB, Merlin and Nahata Groups. As mentioned on the website of one of their latest projects, Urbana, intended to construct Kolkata’s tallest towers: ‘Over the last couple of decades, these names have been associated with most of the city’s landmark buildings and complexes’ (including the South City Projects (Kolkata) Ltd.). Besides the mostly Marwari-controlled, large-scale real estate development projects there can be found smaller-scale local developments taking place all over the city: the real estate ‘on the margins’ that will be the focus of this chapter. The material for this chapter was collected during one year of fieldwork in Kolkata from 2013 to 2014 and during short visits in November 2014 and April 2017. Field-based observations, informal discussions and interviews with key informers (people involved in forced takeovers, lawyers, journalists, industrialists, developers, brokers and promoters) are supplemented by secondary sources such as newspaper and magazine articles, police reports and legal documents.

In the following, I will first explore in some detail the process of buying and developing properties in Kolkata, facilitating an understanding of the present-day real estate market. Through illustrations I will go on to
explore what it means in practice to take a property by force in a mastan raj, and the risks and multiple layers of violence and corruption involved in the business. Next, the legitimacy of the mastan raj will be discussed. At the end, I will discuss the impact of party politics and suggest blurred boundaries between the present-day government and its machinery on the one hand and the syndicate raj/land mafia on the other that make it difficult to know the one from the other, furthering acceptance and proliferation of the mastan raj.

Understanding the real estate market

A developer that I met through a friend explained (in English) the process of buying and developing properties in Kolkata. As he runs a reputable business, he said, many brokers and landowners approach him offering plots, but he mainly undertakes joint ventures – partnerships where a landowner supplies the land and the developer provides the capital to develop the property. The profit is shared between the landowner and developer, with each making money from the finished product:

Suppose there are four floors and four car parking, then on a 50/50 sharing basis he gets two floors and two car parking, and we get the balance; two floors and two car parking. The sharing of properties, sharing with the vendor, is a very popular concept in Calcutta and in other parts of the country also. Ratio of the sharing depends on the location, the viability, the market rent, etc. We normally do joint ventures with good landlords. Otherwise, we don’t do it. Sharing means, like getting married; potential problems, but when you share with good people things can be sorted out amicably. Otherwise, you may end up fighting.

The other way is to buy out properties, but either way the process is simple, he said. After identifying a plot among the many being offered by both brokers and landowners, a commercial evaluation of that particular plot is made:

Suppose we are buying this place and the landlord is asking this much of money. So, we buy out this property, at this price, if you buy out at this price, then how much will be the construction, entitlement of that, how much will be the construction cost, what category of building we need to construct, and then, ultimately, what
will be the selling price. So, after doing a proper research on the entire cycle, if it is found positive, we buy out the property. Now, for buying out the properties, first step is locating the property, as per our liking, second is finding out the commercial evaluation, and third is after finding both location and evaluation positive, we say yes to the landlord and then the legal process start.

All the papers are sent to their solicitor, who will discuss the legal matters with the landlord’s solicitor. When all papers are found in order, they buy the property and do the registration. When I asked about disputed properties, he laughed and said, ‘No, dispute, you know Ma’am, this is a very interesting subject’. In cases of disputed properties, they would first consider the ‘depth of the dispute’:

A dispute, which is not solvable by the landlord or the person who is selling, can sometimes be solved by myself. We make a point of good bargain. Suppose he is having a tenant who is going for a legal case with the landlord, maybe a good friend of mine. He is willing to sell the property as it is (with the problem with the tenant). I say that x is your price and if I buy the property, x is the market price and I will pay you x minus y (for the tenant). So, we bargain with the tenant and then we settle with the property and later on I also jungle up with the same guy, the same tenant. The person who sold the property probably sold at a lesser price, but he laughs at his end because he gained some interest part.

The landlord is rid of the problem and has made money on the sale instead of spending his resources on a court case. The developer said that he would consider very carefully before deciding on a property that had potential problems with tenants, but that he sometimes gets it wrong. Here follows an extract from a conversation between me and the developer:

Developer: So, travelling through this system, the process of evicting a tenant might take as much as 8 to 10 years, or more. As a developer, as a businessman, we always prefer settling across the table by a mutual consent or resolution. But sometimes, just to put the mental pressure on them, we have to file a case. We normally avoid that, but we also have to do that sometimes.

Anthropologist: OK. So, you will tell them that you are taking legal steps?
Developer: I will send them a notice, a legal notice, then I will file a case and they will be served the notice, so they have to run to the court. At times this makes them feel to come to a settlement, but if they are difficult people, then again, they can fight the case. They can also empower a lawyer to do it.

Anthropologist: OK. That means that if you have to wait for the legal system to work, then your investment will be blocked for years. That could be the case.

Developer: That is the case. That is the case and at times it happens.

Anthropologist: It happens and that’s the part of your business I would think then, that you have to (interrupted by developer).

Developer: You see, we take a view and we buy a property. We consider an adjustment period, but at times it crosses that. Market is regulated by a particular scenario. There is a price and there might be a 10 to 15 per cent escalation in the price or there can be a recession also, but you know that when we do business or when we invest: from that particular day we start calculating the interest factor. Even if it is our own money, not borrowed money, we, as a businessman, should calculate the interest. So now with the passage of time, the investment and the interest is piling up and it is coming close to the profit margin. Cost of construction is also increasing. So if a project after procurement is delayed, then in that case it might so happen that we’ll end up entering a loss. It’s a risky business and it’s a business with a lot of headache. The developers are normally thought of like they’re goons, they’re anti-socials, not much respect by the government.

Anthropologist: How did this reputation come up, as goons and (interrupted).

Developer: The case is, suppose there are say ten thousand developers in India, so there are also bad people among them. So, these bad people have made this business, a tag, and not a very good thing. But now there are also some very good developers in this city. Like where your kids study, South City, it’s a big group and like ourselves we are reputed. So there stands the goodwill of the builder, which ultimately makes them earn more than the other. Suppose I have a buyer and because of my goodwill they come, and blindfolded they buy the property from me. So, they know that I might charge a hundred rupees more, but it is acceptable to them because they want peace of mind. But even after buying the property and starting construction, some person might come up, claiming a right
in my property, out of the blue. So, he can file a case. This mainly happens in the suburb properties, which is not in the proper city but in the fringes of the city. So, we have to fight it out.

Anthropologist: And again you have to put the project on hold?
Developer: That depends. If the court finds the filing of a case strong enough, then it might go to the extent of stopping the project. Otherwise, it is called *lis pendens*; one is litigation, the other is *lis pendens*. For example, we are making a ten-storied building somewhere in Gariahat [a retail market and main road in the Ballygunge area in South Kolkata]. We bought a property, our lawyers and our solicitors gave us the go-ahead, and we started the construction for a ten-storied building. After the construction of six stories, we got a notice. We opened the notice and we gave it to our lawyer for inspection. It turned out that there was a tenant 20 years back. All of a sudden, or after seeing the developments there, he filed a suit in the court, probably with the intention in his mind to get money.

Anthropologist: But he moved out 20 years ago?
Developer: 20 years ago, and he doesn’t have any case, but he has framed a case against us that has been accepted by the court and we have to fight it. He is not in a position to do anything to our project, our project is moving, but we have to monitor the case. Senior advocates are engaged to deal with it, but we have to go for consultation. What is that tenant’s intention? To get money from us. That is one sort of litigation.

Talking about tenants claiming rights to properties and getting cases accepted in the court, he said ‘only in West Bengal’, due to the former communist regime’s policy of offering security to tenants (and thus of securing the vote bank). ‘Now there are amendments, there are betterments’, he said, ‘but the situation is still such that tenants, especially old tenants, follow the property and have to be included in any development plans’.

Now it is controlled by the rental control act and in the rent act there is a limitation. If you are paying less than, let’s say, seven or eight thousand rupees, then you are guided by the West Bengal Premises Tenancy Act, which has been amended now so that you can be evicted by proper cause of law, but who wants, Ma’am?

As explained, pending lawsuits and litigations take time and resources, obstruct the completion of a project and put the investment at risk. If, as in some cases, the project is put on hold for too long, the investor
loses out on their return. In other words, the stakes are high, margins less and there is no time to waste on disputes. Another approach is to grab and sell or build and keep the case pending indefinitely. In the case presented below, there were several deeds to the same property, some of which had to be false. According to a high court lawyer, the property was registered in Mumbai for a price you would not get for the same plot of land anywhere, ‘not even in the Sundarbans’.12

Whoever registered that property in Bombay should at least set the price that is available over here. You can’t buy a property of 17 katha13 for 10 lakh rupees in Calcutta, not now and not then. There would be a queue from here and right up to high court of people waiting to, at that price, to take part in the “lottery” to be allotted that land! (Personal communication in the high court lawyer’s Kolkata chambers, April 2017)

His point was that people trying to grab properties do it openly and do not even try to conceal their actions by making it look real. According to him, in the property case to be discussed, which started as a dispute over ownership, there was no sale in the first place. Someone claimed power of attorney, but it was never registered, and the property was ‘bought’ for a ‘throwaway price’ that was not even paid to the owner. He said it was a false claim but to establish that in court would take years, even as many as 25 or 30. Rather than trying to take over the property through false court cases, which anyway would take years to prove, it was grabbed by force. It was known that the property was disputed and presided over by a woman and her old and sick uncle; it was considered an easy grab.

Taking a property by force

The setting

Mr Sen owned a property in central Kolkata. When he died in 1946, his two sons inherited the property, which was divided into two equal parts: A and B. The son who inherited portion A was married and had one son, who died. The other son had two sons and portion B was divided into B and C. When the owner of property A died, his wife, who lived in portion B, inherited portion A, which was rented out. What happened to portion A after the widow took over became a matter of dispute. One version was
that it was sold to a company with a power of attorney granted by the widow in 1999 and that the sale was legally registered in Mumbai. The other version was that the two daughters of the son who owned property B (after it was divided into B and C) inherited property A from their great-aunt when she died in 2003 and sold it in 2010 to a tenant who had been registered on the property since the early 1970s. He still occupied the property together with his ‘niece’ who also ran an international play-school there.

Located in the middle of the city and being of some substantial size, the Sen property was considered of high value. In 2010, a Marwari industrialist took an interest in the property. Talking to him about it during an interview in June 2014, he told me that he was looking for a centrally located property to build a new family house. When words got out that he was looking for a property, he was approached by brokers. Among them, one who claimed to have the title deed of a portion of the Sen property. The price was set at INR 8.5 crore (INR 80.5 million or US$1.3 million at the 2014 exchange rate) and the money was paid on the condition that the sale be registered, and the property handed over to him within a year. The industrialist said he knew the property was disputed but that the broker had promised to have the dispute settled and the property vacated. After two years he still did not have access to the property, and he bought another property. He told the broker, but the broker claimed the sale had gone through and that the property had already been re-registered. However, it was still occupied.

After March 2013, the industrialist said he was no longer interested in the property because it continued to be disputed and had not been vacated as promised. According to various other sources (the media and interviews with a journalist, lawyers and one of the tenants), the property was caught up in a number of legal tangles. Since 2010, many complaints had been made at the local police station and other police and government offices: against the company claiming to have bought the property from the Sen family; against its directors and others related to or representing the company; and against the Sen family and tenants – but all to no great effect. In 2011, the two Sen daughters challenged the industrialist’s claim to the property in the high court, seeking exclusive property rights on behalf of the tenant to whom they said they had sold the property. The lawsuit contested the company’s property rights and claimed ownership on the basis of an unprobated will of the widow who owned the property. The industrialist had filed an eviction case against the tenants but realising the legal muddle the property was in and that the tenants remained on the property, he lost interest and wanted out.
The broker handling the deal was known to target litigated properties as a way of making money on real estate. In this case he claimed that he had no interest in the property or the company trying to sell it but had agreed merely to mediate the sale. The industrialist confirmed that he came to him as a broker. The broker’s relation to the company selling the property is not clear, but it was registered at the same address as his own real estate company in Kolkata, presumably established for that particular property deal and expected to be liquidated after the property had been sold with a good profit. And thus, after the property was sold to the industrialist, the company was no longer active. There were three listed directors from September 1997 to October 2010 of whom one also appeared as Director of 17 other companies, mostly Mumbai-based, all between 2010–13. The broker’s name was not among the listed, but he was believed to be the one making money on the deal (The Times of India, 14 November 2013). When I discussed the case with the broker’s wife (who was Joint Managing Director of the broker’s real estate company) in November 2014, she said her husband first made a deal with the tenant in 2010 believing he was the owner of the property and paid him INR 85 lakh (8.5 million). After having paid the money he discovered that the tenant was not the owner of the property, but the money was never returned, and the tenant remained on the property. He then bought the property from the company and sold it to the industrialist in 2010. After that she said they had nothing to do with either the property or anybody connected to it.

The media reported on a link between the broker and the tenant, questioning also the latter’s integrity, claiming that he had taken money from the broker to vacate but then stayed on the property. According to the niece, there were no such connections or deals, and they never had any plans to vacate the property. On the contrary, she said, they were preparing a lawsuit against the broker, but then everything changed. The broker decided to take the property by force.

The case

When I came to Kolkata for a year of fieldwork in August 2013 my children aged 3 and 6 were admitted to the international school on the disputed property. The dispute was not known at the time and the school was recommended as the best international playschool.

On a Sunday afternoon in September, when the school was closed and the principal (the aforementioned niece) was away for the weekend, there was an incident on the school property. One newspaper reported
it as vandalism by a gang forcing their way into the compound, trashing the school, beating up the uncle, his aide and the school caretaker, and tearing down the school signboard replacing it with a company signboard (The Telegraph, 16 September 2013). Another newspaper, under the headline ‘Goons ransack school at gunpoint’, reported that after holding the caretakers at gunpoint, one of the intruders was said to have shouted ‘Yeh jagah tum logon ko khali karna parega (You have to vacate this place),’ and before leaving, ‘Aj sirf chaunakaya hai, agla din fod denge (We have only threatened you today. We will beat you up tomorrow)’ (Times News Network, 16 September 2013).

At a school meeting with the parents after the incident, the principal confirmed that there was a property dispute and that the attack had been a warning, but that they and the school were not going anywhere. School security was strengthened, and the school continued as usual until there was another attack in November 2014. Later we heard that in the period between the two attacks the principal had received daily telephone threats; somebody calling her to say that unless they left, they would be removed by force. She repeatedly informed the police and asked for protection but got no response. They stayed on and the threats were put into practice. In the dark of night, a group of 21 men and women, mostly fit young men sent by a private, unregistered security agency, made a forced entry. On advice from police, lawyers and others she had talked to about the threats, the principal kept her uncle’s old firearms available. Surrounded by intruders, she and one of the caretakers started firing in the air, hoping to scare them away and attract the attention of the police stationed at the police commissioner’s house next door. She had tried calling the local police station, but they refused to respond. When no police came, she ran to the police commissioner’s house desperate for help. By the time the police finally arrived several rounds of ammunition had been fired. In addition to some less serious injuries, two bouncers were found dead in one of the playhouses. The police arrested everyone, including the principal and her helpers. Three days later the police also arrested the broker at the airport on his way to Mumbai. The media speculated that he was trying to escape on a one-way ticket.

The broker was singled out as the one behind the attack, but lawyers and named company directors were also arrested and charged with trespassing, unlawful assembly and criminal conspiracy. Two months later, the police arrested another bouncer said to have ‘dabbled in the world of crime’ and whose arrest led the detectives to ‘unearthing a gang that helped various builders to illegally occupy land belonging to others’ (Times News Network, 8 January 2014).
bouncer was believed to have been instrumental in convening at least eight of the several other bouncers who had entered the premises in September, vandalised the property and attacked the uncle, his helper and the school employees. A senior officer from the local police station was also arrested and charged with neglect of duty. The principal had lodged several complaints against the broker, but no action had been taken. She said the police had been paid not to interfere and she had also made complaints against the local police station. She tried to lodge her complaints higher up the hierarchy but was constantly referred back to the local police station and to the same senior police officer. She believed he was just ‘small fry’ and that he must have had support ‘from above’, from superior police officers and politicians. The name of a Trinamool Congress leader from the ruling party was mentioned, also in the press, as the broker’s political ally, but his alleged involvement was not disclosed.

The mastan raj
Upon the arrest of the senior police officer, he told the press that he had acted on ‘instructions from his superior’ and the press speculated that ‘more heads are likely to roll’ in the police (Ghosh 2013c) – but the case never really developed into one concerning police corruption either. Evidently, the broker had initially asked two of his aides to ‘get the local cops on their side’ and later paid out between INR 30 to 65 lakh to officers at the local police station to ‘hush up the role of the real culprits of the shooting’ (Ghosh 2013b). The newspaper claimed that the senior police officer knew what was going on as he had been seen in a restaurant a few days before the November attack talking to those later accused of ‘conspiracy to crime’. It was also reported that call records showed that the police officer had called them several times between 2am and 6am on the night of the attack, and that not only were the police aware of the takeover bid that day, they had actually tipped off the goons that there would be no police patrol at the time. Allegedly, the duty officer had been told to ‘divert force’ on that November night (Ghosh 2013c). According to media reports, other complaints against the same police officer had been filed within the same year and had been supressed. Apparently, officers from the local police station had been ‘under the scanner for inaction on the series of complaints and counter complaints filed since 2010 and their delayed reaction’ (Ghosh 2013c) but nothing had been done about it.

Obviously, many were involved and there was much uncertainty about who played what part. Court cases are pending but the broker
was believed to have planned and orchestrated the attack so as not to lose out on his investment. When the industrialist was asked if the broker was unwilling to pay him back the rest of the money, he said he was not unwilling, that he would return the money as soon as possible. The money he had taken had gone to other ‘investments’ but the sale would bring in more than enough to repay in full. However, the property was occupied and he was not able to get the tenants out.

According to various sources, the broker had made a lot of money on litigated properties. When he was taken into police custody after his arrest, the principal said she overheard him saying, when the police were trying to handcuff him, ‘You are putting handcuffs on me? You know that I am a guy of 500 crores!’ The press also estimated his fortune at several hundred crores, but this could not be confirmed. What was confirmed to me by business people who knew him was that he was considered to be a man of considerable assets, that he had close connections with a local political leader and the local police, and that he was regularly seen socialising with a section of Kolkata’s business elite. When he appeared in court after his arrest, *The Times of India* wrote ‘In blue shirt, black trousers and boots, he looked very much a corporate honcho. He was seen exchanging greetings with family, friends and even other accused’ (Ghosh 2013a). According to his wife, he was not at all as the press was portraying him and he had nothing to fear because he had done nothing wrong. On the contrary, she said, he was a hardworking, honest and generous man regarded highly by business associates and colleagues, as well as by everyone who knew him.

However, his name came up in relation to several upmarket, litigated properties in Kolkata. Appearing as the Director of 23 unlisted companies and the Managing Director of a listed export-import company, the broker’s ‘penchant of acquiring litigated properties seems unsurpassed,’ claimed a reporter (Sen 2013). Even his own company’s headquarters were said to be co-owned by three persons against whom banks had initiated legal proceedings for an estimated INR 36 lakh default. The property in question appeared as only one among several litigated properties that he had gone after for a quick profit. As expressed by the principal’s lawyer dealing with the property case, legal tangles may put off an average buyer, but not this one, asserting that, ‘his modus operandi is to acquire litigated properties in rich neighbourhoods in Kolkata at throwaway prices and make a killing by selling it later’ (interviewed on 8 June 2014). A female real estate developer (interviewed on 26 June 2014) told me that she was fighting the broker in high court for a 16
katha property valued at around INR 20 crore that she claimed ownership to and that the broker claimed to have bought for INR 36 lakh. She said she also used to develop properties (build apartment buildings and sell flats) in Kolkata but that she had moved her business to another, up-and-coming city in West Bengal. She said she had bought the property in question in central Kolkata in 2002 and registered it to one of the three real estate companies that she owned. In her case, the broker took an interest in the same property and paid government people for new documents (a title deed in his name) and the Calcutta Electric Supply Corporation (CESC) for proof of residency (electricity bill issued in his name). When she received the bill, her name was no longer there, and she understood that he had paid off the electricity company for the service. She went to the local police station, but he had paid them off too and they were not interested in listening to her, never mind doing anything for her. She filed a court case and in 2012 he was arrested for false registration of property but was granted bail by the court after 45 days in custody. She said that this is his business: litigating properties and making money on them. In five years, she claimed, he made INR 300 crore on similar business deals, falsifying title deeds and other official documents claiming ownership and making money on illegal sales. She mentioned one case where he had sold apartments in a building he claimed to be constructing. He even persuaded a journalist from Kolkata TV to buy an apartment, taking money for an apartment in a building that never materialised. For that project alone he was paid between a few hundred lakhs to 1 crore in rupees for each apartment sold. ‘A lot of people lost their savings and he is a big-time swindler,’ she said. ‘There are many operating like him, selling properties they don’t even own, but he is the worst,’ she claimed. She said he had threatened her on a number of occasions and even sent goons with guns to her apartment building. Security guards were present but when they saw the weapons they ran away. One time he even had her picked up by the police and arrested in public on false grounds. She came out of a meeting and was walking towards her car when the police arrested her: ‘He pays off anybody willing to take his money and help him get away with his scams’, she said, ‘including the police’. Instead of arguing with the police she had taken him to court, which is the only way – provided you have the best lawyers, she told me (with a little laugh). For the past 12 years, she had been coming to Kolkata every month to fight the case in court, which consumed a lot of resources. She even bought an apartment to have a place to stay whenever she had to appear in the high court and spend days at a time in the city.
Legitimacy of the *mastan raj*

A journalist interviewed about recent urban developments said that land is scarce, particularly in Calcutta, because the city has not spread out like Bombay and Delhi. ‘We’ve not expanded and therefore what’s happened is that the value of even small plots has kept soaring because ultimately everybody is eying that property,’ he explained. Even for large developments, the associated infrastructure is not in place. Rajarhat, for instance, located on the North Eastern fringes of the city and part of the fast-growing planned satellite city of New Town, is considered by city people to be outside Calcutta. New Town mainly consisted of huge acres of cultivable lands and water bodies that has been developed into a new information technology and residential hub. However, while this area could be developed in a planned manner because of government land acquisition policies under the leadership of the then Chief Minister of West Bengal Buddhadeb Bhattacharya (Communist Party of India-Marxist, CPIM) in the late 1990s, the present Trinamool government (from 2011) has practised a hands-off policy regarding land, preventing forced acquisition and adhering to the Urban Land Ceiling Act. Without large holdings, developments are small and, without government involvement, negotiating for land is left to the private market, which is presently pushing prices up—as astronomically. Meanwhile, the present government is doing nothing to stop these developments, the journalist told me. What he was saying was that without government intervention and political ambitions to control development, it all comes down to money and power. In the city, he said, ‘land is scarce and possibilities for making big money on land are limited. As you step out of the city, however, land values are increasing as the city is expanding. There you find the mafia, profiting from the booming real estate market by taking possession of land by force and making money on illegal land deals’.

Although largely undocumented except for some media coverage, Rajarhat New Town is seen as ‘an area notorious for its syndicate goons’ (*Frontline*, 3 August 2016). Less visible are the struggles over properties going on in the city, where land is scarce and development possibilities are limited, restricted also by the governments ‘hands-off’ policy enforced through the Urban Land Ceiling Act (ULCA). The ULCA was introduced in 1976 with the intention of preventing the concentration of urban land in the hands of a few, preventing profiteering and seeking to ensure the equitable distribution of land for the benefit of the entire population (The Urban Land (Ceiling and Regulation) Act, 1976). The Act prescribes the limit on vacant land in urban areas as 7.5 *katha* (one-eighth of an acre or
Industry players claimed that this limit stood in the way of implementing projects in the urban area and the government was put under pressure to repeal the Act. In 1999, the central government repealed the ULCA, prompting other states to rescind the Act. Gujarat, for example, followed the central government and abolished the Act, but West Bengal did not. In 2006–7, the CPIM-led state government made similar efforts but failed to convince its allies. Since Trinamool Congress came to power in the summer of 2011, it has been under pressure to repeal the Act but has made it clear that it will not reconsider its refusal to do so (Business Standard, 30 December 2013). In practice, the restrictions are seen to promote abuses of power, as expressed by the interviewed journalist:

In our city, a large section of plots around the EM Bypass, as you go towards the south, which is towards Gariahat, as you go towards that area, a large section is owned by somebody who is now a minister in the government. Now, we have something called the Land Ceiling Act, which allows you to own, I think it would be not more than 7 kothas, but he has acres through benami properties, that means not in my name, but in my son’s name, in my niece’s name, my wife’s name or some other, even my employees, I raised the plots in their names. Some plots I don’t register at all. So when you have somebody like him, who holds a ministerial position and owns such tracts of land, what do you call him, a minister or a mafia? (Interview in Kolkata, 13 November 2014)

As this journalist says, even ministers are believed to hold land illegally and beyond government control. Even when cases are brought to the courts for mediation, there is no certainty when, or even if, a case will come to an end and be decided, due to the endless appeal system. A lawyer friend told me that once in 1988 he had been in court to defend a case for a client. While waiting for his case to come up, he suddenly heard the judge shout, ‘Enough is enough!’ The judge, who was hearing a dispute case between a tenant and a landlord, told the tenant he was giving him six months to vacate the property. From 1952 he had been filing one petition after another. ‘Mind you’, he told me, ‘the landlord in 1952 had won his case in the supreme court, but to evict the tenant?’ They had fought the matter for 35 years and avoided the process of eviction. ‘So, for 35 years he had remained on the property after the Supreme Court said to give it up, but that is the law’, he mused. According to him, the principal and her uncle could simply have used their position as tenants to stay on the property indefinitely. In that sense, the claimed ownership was
not important: under the Tenancy Act, if you sell a property, the tenants become your tenants. You cannot buy a property and say, ‘‘Sorry, but that man sold the property and you have to get out.’’ You cannot do that,’ he explained. ‘‘You buy the property with the tenants. Should the uncle’s sale not be held valid, the property reverts back to the original owners, but both he and his niece would remain tenants.’’ He continued:

Now, her rights flow from the fact that her mother had got this tenancy 40 years ago. She had rent receipts from one family for this and from another family from this, the one room over here (illustrating on a piece of paper). [The uncle] had another room over here and he was also a tenant. Now, very often tenants buy out the property. That is what [the uncle] did, but as far as [the niece] is concerned, after her mother’s death, Mrs Sen transferred the property to her and made her the tenant. She has rights. You cannot throw a tenant out except by process of law.

But this is what is happening in Kolkata. The West Bengal Tenancy Act of 1997 provides strong protection for tenants from eviction, and owners seeking to evict a tenant legally to repossess their property may end up in an apparently never-ending appeal process, as described above and seen in numerous other cases. In 2011, The Telegraph reported on a civil servant ‘‘locked in a seemingly endless legal combat with his tenant’. Ten years earlier, he had filed an eviction suit at the city civil court but ‘‘thanks to appeals and countersuits filed by the tenant, the issue is now entangled in complex legal procedures’’ (The Telegraph, 15 June 2011). As explained by the developer cited before, when they consider buying a property for development, they also have to consider the situation with tenants and the likelihood of reaching agreements and settlements with them, as well as with the owners. Also the lawyer in the school case said that if they wanted to develop the property they should have offered as much space in a new building as they were occupying in the old – but the buyer wanted the property to himself and they had to be evicted; otherwise, the buyer was not interested. Even if the sale had been legal it would take years to establish that claim.

In some cases, even just the threat of litigation when occupying a property can be enough to force a settlement. The lawyer told of a case where a man had taken a flat by way of salaami (a type of long-term lease), an agreement where he paid 8 lakh in advance to take the flat. He had just retired; the payment was made in cash and the amount was documented. They also signed a written agreement stating the
conditions and that he and his family were entitled to keep the flat for as long as he lived. Usually, if you are a salaami tenant you can transfer the agreement to someone else if you move out, in which case 33 per cent of the new salaami goes to the landlord and the tenant keeps the rest. In this case, when the tenant died, the owner of the property asked his family to move out and hand over the flat. By then, the salaami for the flat was believed to be between 60 and 80 lakh and the tenants asked the owner to pay them 50 lakh to move out. The owner refused, and the family told him that if he wanted the property back, he should settle or spend the next 25 to 30 years trying to get possession from the courts: appeal court, high court, supreme court, and after 30 years he may still not have succeeded. In the meantime, tenants will be present, occupying the property (original tenant and/or his descendants). ‘Wouldn’t it be better to settle outside court than hanging on for 20 or 30 years like that?’ the lawyer reasoned – and he is not alone in his way of thinking.

In suburban Kolkata, walled-in vacant plots of land bearing name signs and with just a guard or two watching are a common sight. Owners may be biding their time waiting for an acceptable offer to sell, dealing with potential builders to develop the property, or busy disputing property rights. On every undeveloped land there is a risk of land grabbing or forceful takeover. In the story of The Godfather of Bangalore (Carney 2008), it took a gang of marauders only a minute to overpower the guards, overrun the premises and paint over the name sign stating ownership. By the time the police arrived, the sign was just a memory and the attackers had achieved their goal. Thanks to the convoluted rules surrounding land ownership, the removal of the name sign throws the owner’s claim into question and the dispute is ‘no longer just a criminal matter of a gang of outlaws taking over a piece of ground; now it’s a civil issue that will have to be mediated in the courts. This kind of legal battle, with its near-endless appeal process, could easily last 15 years’ (Carney 2008). If the owner wants to develop or sell the plot during that time, ‘he’d be better off just letting his assailants have the property in exchange for a fraction of its value’ (Carney 2008). According to my journalist friend, giving similar examples of land grabbing and forced takeovers in Kolkata, the land mafia clears the way and the legal system keeps it open. Even Kolkata’s wetlands, protected by multiple domestic laws and an international convention, are openly sold off in parcels to make space for high-rise housing, malls and offices.

What is happening, a very deadly thing, is that we have to the east, just beyond the Bypass, we have what is known as the East-Kolkata wetlands. It’s a Ramsar site. Ramsar is the international convention
for protection of wetlands, internationally recognised wetlands; it’s a UN convention. These wetlands are used for fish farms. You have these large water bodies, but they are not very deep, they are about 4 to 4.5 feet deep, and they are being filled up. You have fifty fishermen working over there. All you need to do is to offer these fishermen, who would earn maybe 50,000 rupees or one lakh in a year, you give them a 10 lakh rupees check. It’s a windfall. So, 50 of them and 10 lakh each; 5 crore in total. Then you develop a huge building, containing 300 flats sold for 1.5 crore each. So it’s like that. That is what’s happening to the east of the city, but not only there... Behind Ruby Hospital, you also have this huge school called Heritage. That school is built entirely on wetland and that school’s owners have already acquired several water bodies in that locality. So they purchase the wetlands, drain out the entire water and build walls around in broad daylight. They do not seem fearful of anything and why should they?

If litigated at all, by the time cases are even brought to the courts (less still by the time the courts have reached a final decision) the land has been sold, developed and changed forever. Had the forced takeover of the school property gone as planned, the occupants would have been evicted and the property sold and developed into a luxurious villa or a modern housing complex. Sending in a group of goons, the mastan raj, can be an effective way of taking possession of a property when the police are either directly or indirectly involved, making sure nothing is done to stop the takeover in light of a court system taking as much as 20 to 30 years to settle disputes. People seeking justice are left waiting by the open but guarded door for the rest of their lives, like the protagonist in Kafka’s *The Trial* (Ferme 2013: 958).

**Conclusion**

As mentioned earlier, there have been and still are many building activities in Kolkata itself: large-scale complexes (housing, malls and offices), mostly on the peripheries of the city (Rajarhat New Town and lately around E.M. Bypass) but also centrally (South City), mainly built by well-known Marwari business families although not exclusively. The focus of this chapter has been on real estate ‘on the margins’ where, on a daily basis, properties are illegally and sometimes also violently captured and sold without anybody necessarily taking notice or doing anything to
prevent it from taking place. As has been seen in this chapter, the government is heavily involved through its functionaries, who regulate, document, sanction, etc., as well as through neglect.

In 2016, under the headline ‘Shock to the syndicate mafia’, *Frontline* (3 August 2016) reported that Bangladeshi Prime Minister Sheikh Hasina had called West Bengal Chief Minister Mamata Banerjee on behalf of a friend in Kolkata ‘who was being harassed by Anindyo Chatterjee’ (senior Trinamool leader and Municipal Corporation councillor) over building issues. According to the magazine, ‘At long last Mamata Banerjee’s Trinamool Congress government in West Bengal has woken up to the increasing menace of the “syndicate raj”, a euphemism for extortionists and other criminal elements operating in the private housing and infrastructure industries in the State. It has begun to crack down on the groups by arresting (as of July 26) 49 persons’ – including Mr Chatterjee. Concurring with what I was told by political commentators in the field (both former political activists and social scientists), the magazine also claims that the ‘syndicate raj’ took root during the previous regime under the Left Front, but while the Communist Party of India (Marxist), ‘with its structured and disciplined network of cadres had kept the syndicates in check and they were confined to certain areas’, syndicates have proliferated all over the state since the Trinamool government came to power in 2011. The assumed growth of syndicates, the ruling party’s perceived links with criminal organisations and the way they have been allowed to carry out their operations have ‘made the Trinamool Congress practically synonymous with “syndicate raj”’.

When I was back in Kolkata in April 2017, this was a much-debated theme. It was generally acknowledged that the reasons for the growth and strengthening of syndicates are that they have funded and secured votes for the Trinamool and that they have provided a source of income to unemployed youth. According to the magazine, the decision to take on the syndicates came as ‘a bit of shock to the thousands of young people and syndicate workers who have been the loyal foot soldiers of the Trinamool army and a pleasant surprise to urban middle-class voters who had all but lost hope of ever being delivered from the clutches of the syndicate goons’ (*Frontline*, 3 August 2016). The magazine also made a number of suggestions as to why the Chief Minister could afford to make such a decision at that particular time (including the party’s huge win in the 2016 assembly election and the weakness of the opposition parties, the desire to clean up the party’s image and win back the confidence of middle-class voters tired of being harassed by syndicate goons, and the ambition to be a key player in national politics) but also indicated that
the trend might not be forever, or even totally sincere, as there is much at stake, such as money and power. Frontline concluded that ‘It remains to be seen whether Mamata Banerjee, after consolidating her political supremacy in the State, will focus on good administration and continue to clamp down on the syndicates or stop with a token gesture of good governance by arresting some small fry’ (and by removing the small fry consolidating the bigger ones in a long-term plan to streamline this illegal industry). And what are a few arrests anyway? All the people arrested in the school shooting case were out on bail within the first year after the incident where two young men were shot dead and, years later, the trial is still pending. In the meantime, they all go about their lives as usual, including the principal, who runs several educational centres in and outside Kolkata, teaching full time, and the broker, who continues running his real estate business much as before.

When discussing Chief Minister Banerjee’s position during my last visit, the general feeling was that she has little or no control over party cadre and administration. She may be able to call for a few arrests to be made, but do away with the syndicates? Besides, if syndicate bosses and members (or at least their political allies) are now in government, as widely believed, and courts can be managed, who or what is to be done away with, and how? Are we talking mafia and syndicates on the margin of the state or a state on the margin of law and order, of legal/illegal? Following Gupta (1995), seeing the state ‘as an inherently translocal entity, which localizes itself in particular sites, and at particular times’ (Ferme 2013), enables it at the same time to be seen as legal/illegal, law and order/corruption and disorder, just/unjust, all at once instead of one or the other; boundary unmaking instead of boundary making, because it – the state – is not a coherent unity of ‘practices, documents, and words’ (Das and Poole 2004: 9). In this case, where the government ends and the syndicate raj/land mafia begins is difficult, if not impossible, to determine, and the terms mafia state or mastan raj appear as a suitable way of describing the practices explored in this chapter.

Notes

1. I am greatly obliged to friends and interlocutors in India for making fieldwork possible and for sharing their lives and stories with me. I would also like to thank Lucia Michelutti and Barbara Harriss-White for careful reading and thoughtful comments.

2. According to Liza Weinstein, property prices in Mumbai’s business districts reached record levels in the mid-1990s, with the districts ‘becoming, for a brief period in 1996, the most expensive real estate in the world’.
3. For more on the social and relational aspects of recent urban property developments, see De Neve and Donner (2015).
4. Special Economic Zones. For a critical view of SEZs in India, see Sampat (2008).
5. For more on how capital accumulation has been made possible through the state’s role as land broker see Harvey (2003) and Levien (2012, 2015) on ‘accumulation by dispossession’; Batra and Mehra (2008), Dasgupta (2003) and Doshi (2013) on slum demolition and resettlement projects in Delhi, Kolkata and Mumbai; and Levien (2012, 2015), Majumder (2010, 2012), and Shrivastava and Kothari (2012) on farmers dispossessed of their land for SEZs and other corporate projects.
6. Following Gardner and Gerharz, I am using ‘land grabbing’ according to its temporal association; as imagery depicting land that is apparently ‘suddenly and violently seized’ (Gardner and Gerharz 2016: 6).
7. For studies of mafia and OCGs in Italy and Russia, see Diego Gambetta (1993) on the Sicilian mafia and Federico Varese (2001, 2011) on the Russian mafia and mafia on the move (see also the Introduction to this volume).
8. Like the distinction between state and civil society or, as in Partha Chatterjee’s case, state and political society (Chatterjee 2008), which is hardly observable in practice.
9. South City is a 31.14-acre (126,000 m²) complex of buildings in Kolkata, India, constructed between 2004 and 2012. It is situated in Prince Anwar Shah Road close to the Jodhpur Park and Tollygunge areas of the city. Most of the recent real estate developments in Kolkata have taken place in the E.M. Bypass area, New Town and Greater Kolkata, but the South City complex is located in the heart of the city. It features a residential complex, which includes a number of recreational facilities, as well as a school, hospital, shopping mall and social club. Filmmaker Ranu Ghosh made a documentary featuring the sacrifices made to build South City, Quarter Number 4/11, which is 'a ground zero perspective of urban real estate development, as witnessed by director/cinematographer Ranu Ghosh and narrated through the plight of an ex-factory worker Shambhu Prasad Singh, a victim of this development in Calcutta’s South City, a residential complex-cum-shopping mall-cum-school for the wealthy. It is about one man’s lone, long, losing fight to hold on to his ground where he was born, grew up and earned his living. It is the narrative of a man who is being forced to evacuate his ground to make space for “development”’ (film synopsis).
10. By ‘jungle up with’ he means have trouble with later.
11. *Lis pendens* is Latin for ‘suit pending’ and is a written notice that a lawsuit has been filed concerning real estate, involving either the title to the property or a claimed ownership interest in it. Recording a *lis pendens* against a piece of property alerts a potential purchaser or lender, as well as the general public, that the property title is in question, which makes the property less attractive to a buyer or lender. Once the notice is filed, anyone who purchases the land or property described in the notice and takes possession of it is subject to the ultimate decision of the lawsuit.
12. The Sundarbans are a mangrove forest area in the southern part of West Bengal in the river delta on the Bay of Bengal.
13. A *katha* (also spelled *kattha* or *cottah*) is a measure of land used in Bangladesh, India and Nepal. It is still in use in much of Bangladesh and India, though the size connoted varies. In West Bengal 1 *katha* is equal to 720 ft².
14. Estimates of the pay-outs varied, but one suggested that 65 lakh was paid in three installments, ‘one of which was of INR 30 lakh on September 27, 12 days after the first failed attack on the property’. The senior officer claimed he only made INR 5 lakh and that the rest was ‘distributed among others’ (Times of India, 15 December 2015).
15. Calcutta was the official name of the capital of the Indian state of West Bengal until 2001, when it changed to Kolkata; the old name is nonetheless still in use.
16. Particularly to tenants paying less than INR 6,500 as monthly rent for residential premises in Kolkata (usually tenants who have stayed for a long time, even through generations).
17. *Salaami* or *bhada salaami* is a rental agreement where rent is paid in advance, usually in cash, and the lease is inheritable from father to son and does not have an expiry date. The rent is low because of the advance arrangement. Another word for similar practices elsewhere in India is *pagdi* (literally ‘turban’).
18. To get them out of the way and not to cause any trouble.
19. There is something to be said about business and communities, and the fact that the big industrialist who bought the school property in the case discussed earlier was a Marwari and the broker wanting to sue him was a Gujarati, but that is another story.

20. During fieldwork, I often heard statements similar to Frontline’s claim that ‘syndicate operators got the party ticket to contest civic elections and also got to hold key party and administrative posts’.

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