

BOMBAY TALKIES
A SEMI-FICTIONAL
NARRATIVE

PRASAD SHETTY

By the end of the nineteenth century, Seth Edulji Dinshaw had expanded his business to Bombay from Karachi. He had started his entrepreneurial career in Karachi as a trader, making money by providing supplies to the British army during the Second Afghan War in the 1870s. Over time his business grew and diversified into other areas. Bombay at that time was already home to a number of rich men who had made their money from selling opium, spices, silk and flesh – and, more recently, from producing cotton textiles. The life-stories of these first-generation businessmen are colourful sagas of cunning, aggression and competitiveness – generally lauded as wisdom, courage and hard work in popular history. Seth Edulji joined the ranks of these pioneers of Bombay and became part of the urban lore of the city. Their stories were of inspiration not only to the younger turks in the game, but also to people who lived more mundane lives and day-to-day existences. In turn, the public adulation these men enjoyed created in them a sense of high self-esteem and they cast themselves in the role of messiahs. They created a culture of philanthropy in the city, building roads, hospitals, schools, temples, orphanages, libraries and museums. Edulji too, like the other rich men of Bombay, oscillated between the desire to accumulate capital and an ambition for philanthropy.

At the same time, the British government, which was struggling to deal with the complex local systems and customary practices of the city, encouraged and promoted these rich entrepreneurs of Bombay to act as intermediaries between it and the people. The government also depended on them for additional funds to spend on the city. The proximity these rich men enjoyed with the British rulers was remarkable. When people in difficulty approached them, they gladly used both influence and money to solve their problems.

By the turn of the twentieth century, Bombay, like other cities of India, was changing rapidly, with the colonial government making or encouraging large-scale investments in infrastructure, institutions and industries. This attracted large numbers of people to the city from the rural areas – some came in search of better work opportunities, some for better living conditions and some to escape exploitative conditions in the village. As the city's population grew, the demand on land increased and land prices started rising. Sensing an opportunity, Seth Edulji started buying land from the land owners, who found it more profitable to sell off their lands than collect taxes from tenants. It is said that at one time Edulji owned almost half of Karachi. The second city where he bought large amounts of land was Bombay.

The British government encouraged such large-scale private accumulation of property as it meant a change in the pattern of land-use, which in turn meant investments that would finally result in accumulation of taxes. The government also gave large tracts of land in the outskirts of Bombay, beyond the island city, to those who could afford it – either in exchange for smaller pieces of land within the city required for building infrastructure and industry, or simply for improving the investment in land. In these transactions, the people who were the original occupants of lands in the outskirts and who had cultivated these lands for generations, were allowed to stay. The story did not change for them – the person to whom the government gave the land was just like another tax collector, and they continued to till the land and pay taxes as before. On the other hand, the rich people to whom the government gave land were expected to invest in it and improve its productivity, collect taxes from the cultivators,

and pay taxes in turn to the government. Their responsibilities were thus triple: as investors, as tax collectors and as tax payers.

These responsibilities were also tradeable. Since the government had direct contact only with the investors / tax collectors / tax payers, it identified them with the land they invested in. This identification and the tradeability of responsibilities brought about a notion of property and ownership – and soon, the responsibilities mutated into rights. The investors / tax collectors / tax payers came to see themselves as 'owners' who could sell and buy land. Without realizing it, the tillers became tenants of their own lands. It was in this manner that Edulji amassed land in the villages of Malad and Borivali to the north of Bombay city, by either purchasing it from other 'owners' or obtaining it in exchange for land within the city. He was also gifted substantial tracts of land for investment by the government.

The notion of 'ownership' was formalized by land records. The government extended its activity of creating land records to the northern outskirts of Bombay city in the early twentieth century. While the primary aim of these records was to identify a rational and right person to collect taxes, the government also saw this exercise as useful for planning the extension of the city. The land records contained two sets of documents. The first was a drawing of the land, made after an elaborate and meticulous process of measuring it by using chain and triangulation surveys. The drawing was a mesh of polygons with each polygon representing a piece of land; each polygon had a number called the survey number. The second document was a register where the name of the person responsible for paying taxes on the land was entered. The name was written next to the survey number allotted to a specific polygon; so each polygon, or piece of land, had a tax payer. Next to the name was also a brief account of the piece of land, describing its soil condition, the crops grown on it and other aspects related to its cultivation. With such a record, the government could not only estimate the yield from each parcel of land and calculate the tax owed, but also know who to collect the tax from.

From his knowledge of earlier such surveys done in Karachi and Bombay, and through his association with government officials, Seth Edulji became aware that the land records could serve as much more than just instruments for collecting taxes or planning development. He realized that they could be records of ownership of land – and therefore useful to prove one's claim in the courts. He also concluded that to be the owner of a piece of land, one only had to enter one's name in the government's survey register of tax collection. So, at the time of the survey of lands in the outskirts of Bombay, Edulji made sure that his name was entered in the register as the tax payer, and not that of his tenants. His familiarity with the British system soon matured into a mix of admiration and a desire to master it. He was so impressed with lawyers who had knowledge of this system of records and proofs that he sent his second son, Framji, to England to study law.

After Seth Edulji's death in 1914, his older son Nadir continued living in Karachi, where his father had built and run several philanthropic institutions, including health and educational facilities for the poor. His second son, Framji, had moved to Bombay in 1898. After Edulji's death, he continued his father's legacy in this city of accumulating land, and expanded his father's business into cotton textiles and cement. He also gained the reputation of being one of India's most famous lawyers, specializing

in cases related to land and property. He was so well versed with the law and its loopholes that he was recruited as financial and legal advisor by several businessmen and princes of the country.

By the early twentieth century, Bombay was a large, bustling city, showing signs of expansion. The Sion and Mahim causeways already connected the island of Bombay to its northern outskirts. The railways too contributed to making these places more accessible – in 1912, from Churchgate, the southern node of Bombay, it took just about half an hour to reach Bandra, an hour to Andheri and another half an hour to reach Borivali. The British control over these areas surrounding the island city of Bombay made them safe and suitable for the purposes of both living and conducting business. Municipal governments were established in many of the northern parts and town planning schemes were put in place, along with road and water supply schemes. These facilities attracted the businessmen of Bombay to the northern outskirts; they started taking interest in these places as investment opportunities. Moreover, the air was fresher there than in the island city, which had become polluted due to dense occupation by people, vehicles and industries. Many rich people built vacation homes in the northern outskirts – in Bandra, Juhu, Kurla, Chembur, Malad, etc.

Framji, who was already ahead in the game of acquiring land, had some 2,500 acres in Malad and Borivali by the 1930s. He also built a large 'summer mansion' for himself in Malad. It was around the same time that filmmaking in Bombay began gaining significance – not only as a new art form to be experimented with, but also as a new enterprise with potential in the entertainment industry. So, when the filmmakers Himanshu Rai and his wife Devika Rani approached Framji in 1933 with a proposal for financing a filmmaking company, he responded with enthusiasm. Himanshu Rai and Devika Rani had just returned from Europe after gaining some experience in filmmaking in England and Germany. Having collaborated with European film companies and directors, they were well versed with the process of making films. But the factor that gave Framji the most confidence was the inclusion in the team of Franz Osten, a German filmmaker. The plan was also to get European equipment and experts to work for the company. It was to be called Bombay Talkies.

Framji was influential in shaping many of the business and managerial strategies of Bombay Talkies. It was his idea to float it as a company with public shareholdings registered with the Native Share and Stock Brokers Association – which later became the Bombay Stock Exchange. The plan was to raise Rs 25 lakhs as working capital. Framji inducted many of his friends into the Board of Directors of Bombay Talkies. There were businessmen and political leaders like Sir Chimanlal Setalvad and Sir Cowasji Jehangir; bankers like Sir Pheroze Sethna and Sir Sohrabji Pochkhanawala; Sir Chunilal B. Mehta, a broker; an established political leader, Sir Richard Temple; and of course Framji himself, a lawyer and a businessman. All the directors were also shareholders of the company. Himanshu Rai kept the largest number of shares with himself, ensuring that he controlled the company, and he was also appointed its production controller. With such distinguished men backing it, Bombay Talkies started with great confidence in 1934.

The other important contribution Framji made to Bombay Talkies was in the form of land. He leased a part of his estates in Malad to the company and allowed his bungalow there to be used as a temporary office. Malad was an ideal site for Himanshu

Rai and Devika Rani – it not only had the desirable peace and wilderness, but was also well connected to the island city by train; the office was just about a kilometre away from the Malad railway station. The 18-acre plot of land in Malad that Framji leased to Bombay Talkies was a part of Chincholi village. The entire village had been given to Seth Lakshman Harishchandra by the British in 1831 on a perpetual lease, in order to improve investment and increase productivity. Seth Harishchandra was to collect rents from the tillers occupying the land and pay a part of that as rent to the government. However, since the rent fixed by the government on the land was high, Harishchandra and subsequently his children were unable to make much of a profit from it. Consequently, the right to invest and collect/pay tax on the land changed hands many times until, finally, it devolved to Seth Edulji. Like in other instances, here too, when the land survey was conducted and the records drawn up, Edulji made sure that his name was entered in the register of tax payers. After Edulji's death, his name was replaced by that of his heir, Framji, in the register – and, like his father, Framji became the 'owner' of the land.

In several villages along the western coast of India, farmers lived in densely packed clusters of houses called *gaothan*, leaving most of the village land free for cultivation. The Bombay Talkies premises were very close to the *gaothan* of Chincholi. In the case of this village, however, the *gaothan* had grown into a large settlement. This was because of the Somvar Bazaar – a weekly market that was set up every Monday near the Durga temple of the village by nomadic traders, who went to different locations on different days. The Arabian Sea entered the landmass close to Chincholi, forming the Malad Creek; and most traders from Manori and Bassein travelled through the wharf on this creek called Chincholi Bunder. They brought with them several types of indigenous produce – dried fish, fresh and dried vegetables and fruits, chillies, chicken, pulses, wooden utensils, toys, and many other small commodities. After Bombay Talkies was set up, Somvar Bazaar became an important grocery market. In the company's 18 acres of land, spinach, okra and other vegetables were grown, while in the village lands beyond were paddy fields, betelnut groves, and orchards of vegetables and fruits. Bombay Talkies also provided employment to some of the villagers, who worked for the company as cleaners, cooks, washermen and other menial labourers. In addition, the company employed a large number of villagers as security guards, to deal with the problem of petty thieves and gangs of robbers operating in an otherwise ideal environment for creative work to flourish.

Using the Rs 25 lakhs that had been raised as working capital, Himanshu Rai was able to set up a highly sophisticated filmmaking unit equipped with soundproof floors, state-of-the-art laboratories, editing rooms, preview theatres, staff housing, offices, etc. Most of the equipment was imported. In the beginning most of the employees came from abroad too, but soon Bombay Talkies started attracting talent from all over the country – including skilled technicians and directors like Sashadhar Mukherjee, Savak Vacha and Najam Naqvi; and actors like Najmul Hussein, Kishore Sahu, Renuka Devi and Ashok Kumar. By 1938, Bombay Talkies was a complete and self-sufficient film-producing factory with more than 400 paid employees; they included writers, cameramen, editors, directors and even actors. Within just a year of being set up the company produced a film; and within a couple of years it started giving dividends to its shareholders.

But Framji did not live to see all this for he passed away in 1936. Two years before his death he made a will, creating a trust – the Framji Trust – to manage his estates. The profits from his estates were to be shared between his three children: Edulji II, Bachubai and Manekbai. Of the three, Manekbai died in 1939, leaving the estates to her siblings. Framji had named his friend, Sir Cowasji Jehangir, as trustee in his will. After Framji's death, Cowasji allowed Bombay Talkies to function as before; he also renewed the lease of land to the company in 1947.

Bombay Talkies established itself as the premier film company of the country in the first few years of its existence. But it faced a crisis in 1939, at the time of the Second World War, when the British government in Bombay arrested all the German technicians associated with it. Franz Osten was found to be in possession of a Nazi identity card. Himanshu Rai died of shock in May 1940. The Board of Directors appointed Devika Rani as production controller after his demise, but she proved incapable of keeping the team together. In 1943 differences arose between her and some of the important individuals associated with the company. Sashadhar Mukherjee, Ashok Kumar and many others left, to start another film company, Filmistan, modelled after Bombay Talkies.

With the exit of Sashadhar Mukherjee and others, Bombay Talkies went into a decline and started incurring losses. Several well-wishers came forward to offer financial help but the situation did not improve; the company produced a series of flop films. Devika Rani remarried and left Bombay. Before leaving, she sold her share in Bombay Talkies to Shiraz Ali Hakim, a film financier and the owner of Famous Studios. But Ali Hakim decided to move to Pakistan in 1947 after the partition of India, and sold his share in turn to the Sekserias, cotton tycoons of Bombay. They installed a manager, Hiten Chaudhuri, who was able to breathe new life into the company, even if briefly. He managed to rally together the workers and also to bring back some of the individuals who had left after Devika Rani took over, like Ashok Kumar and Savak Vacha. The company started producing good films again and making some profits. In 1950, Hiten Chaudhuri left the Sekserias and started making films under his own banner. The workers of Bombay Talkies then organized themselves into a cooperative and started producing films themselves. By this time, however, directors, actors and others in the film industry had started functioning as independent practitioners not associated with any studio, and Bombay Talkies had to run without the aid of any big names. Though there was still some support from earlier associates, the financial condition of the company had deteriorated beyond recovery and it was saddled with severe debts. The Sekserias saw the company as a liability and made plans to sell it off.

From its inception, Bombay Talkies had allowed several small-scale industries, ancillary enterprises and shops related to film production to function from its premises, on payment of rent. Some of these enterprises occupied unused portions of existing sheds, while others were given small pieces of land where they built their own units. There were repair shops for cameras and light and sound equipment, chemical traders, steel enterprises, plywood and timber shops, hardware shops, etc. – all generally located near the road as this allowed them to do business with the outside world. When Bombay Talkies started declining these establishments too underwent changes. Some of them started producing and trading in commodities that were useful to the neighbourhood. Shops and ancillaries that had been completely dependent on

filmmaking activities, like camera and lens repairers, moved to other locations and were replaced by other enterprises who became the new tenants of Bombay Talkies.

One of the temptations for Narvekar when he went to work for Jalaram Tolan was that he would be able to attend film shoots at Filmistan and hobnob with the who's-who of Bollywood. He would never miss the shoots particularly of famous actresses, and would go prepared with a camera especially for their bathroom/bedroom performances. He was once screamed at by Hema Malini for photographing her in a towel. But these kinds of reprimands were common in Filmistan and too mild to deter Narvekar, who was by then well versed with the ways of the film industry. After all, he was the first to design and construct permanent film-sets in Bombay – the temple, the police station, railway station and jail that one repeatedly sees in so many Bollywood movies were all his creations.

Narvekar was Jalaram Tolan's architect, and Jalaram Tolan owned Filmistan. Jalaram belonged to the aggressively entrepreneurial Tolan family and was the elder son of its patriarch Ramkumar Tolan, who had made his fortunes largely through moneylending activities. The family owned several cotton textile mills all over India. Narvekar was a young architect in his late twenties when he was employed by Jalaram Tolan in 1955, to do a feasibility assessment of converting Bombay Talkies into an industrial centre. Tolan's company, Filmistan Private Ltd., had bought Bombay Talkies from the Sekserias in 1954, along with Prakash Cotton Mills. This was just a year after Tolan had taken over Filmistan, prompted by a desire to diversify and enter the glamorous film industry of Bombay. Before buying Filmistan, he had financed a couple of films and made good profits. When he bought Filmistan he acquired his own production house, along with filmmakers like Sashadhar Mukherjee who continued to work there.

But Tolan did not want Bombay Talkies and Filmistan to compete with each other. Moreover, when he bought Bombay Talkies, its prospects did not look very promising. He decided to shut down its filmmaking activities, and to sublet the land and buildings – sheds, laboratories, offices, etc. – to smaller industries. Though Bombay Talkies was only a tenant of the land it occupied, the 'owner' being the Framji Trust, Jalaram Tolan was able to do practically whatever he wanted with the premises. This was because the Rent Control Act of 1950 had come into effect by then, protecting tenants from eviction by their landlords. The government had enacted this law essentially to rein in exploitative landlords who had hiked the rents of their properties after the partition, in response to the rise in demand for housing caused by large-scale migration into the cities of India and Pakistan. Alongside freezing rents, the Rent Control Act prohibited eviction of tenants. The nature of tenure changed and tenants started considering rented premises as their own property.

When he visited Bombay Talkies as a part of the assessment exercise entrusted to him by Jalaram Tolan, Narvekar made a count of some thirty-nine small industrial units on its premises. He came up with several plans to reorganize the existing industries, and to construct new sheds in place of the older buildings that would be conducive to newer industrial activities. Tolan, however, was not in favour of making any further investment and wanted a simple plan for accommodating new industries within

existing buildings. He was also of the opinion that in the case of open land, small plots could be rented out on which the new enterprises could build their own sheds. Finally, therefore, the Bombay Talkies premises were left alone, with Tolan sub-letting parts of the buildings and land to different small businesses. But just as Jalaram Tolan took advantage of the provisions under the Rent Control Act, his tenants did the same; they proceeded to further sub-let the premises they occupied, either entirely or in smaller portions, to other entrepreneurs. Like Tolan, they too were protected by the law and despite several legal battles, he was unable to evict even one of them. Over time, these small businesses grew in size and numbers, expanding across the entire 18 acres. By the mid-1970s there were more than 800 such manufacturing enterprises – producing moulded plastic products, dyes for iron products, hair pins, plastic switches, machine parts, embroidery, drill bits, chemicals, and many such goods.

In Filmistan, on the other hand, Jalaram Tolan involved himself in filmmaking activities. But it was the shrewd businessman in him that ensured results even in this new role. On one occasion he made sure that a good film flopped so that he could balance out his income tax dues. In another instance, he decided to cut back on investment by not paying the lead actors of a film, and completing it with duplicates and dubbing artistes instead. He released the film in a single matinee show and withdrew it very soon, ensuring that it flopped. Simultaneously, Tolan was involved in fighting scores of cases in court: property disputes with his tenants, contractual disputes with actors, tax disputes with the income tax department, etc. There was no count to either his court cases or the women whose company he kept – and he enjoyed both. He would introduce aspiring actors, especially young women, to Sashadhar Mukherjee and insist on them getting roles in the films produced by Filmistan. Mukherjee resented this interference; after producing several successful films for Jalaram Tolan, he finally left Filmistan in the late 1950s. Not that this disturbed Tolan too much. Being a shrewd businessman, he had sensed the changing pulse of the film industry. He realized that the time of the large studio, which produced complete films within its four walls, was gone. A new time had come which was all about star actors, star directors and star technicians who worked for different producers, and were not tied to any one studio. The diminishing importance of the studio as a production house also gave Tolan reason to be happy with the decision he had made regarding Bombay Talkies.

At the same time, the businessman in Jalaram Tolan had fallen victim to the lure of the film industry. Like Edulji before him, who had oscillated between being a successful entrepreneur and a generous philanthropist, Tolan too swung between being a shrewd businessman and a passionate insider of the film industry – these two aspects of his personality played out simultaneously through the rest of his life. Though he was happy with the pragmatism of the decisions he had taken for Bombay Talkies, he did not want the same fate to befall Filmistan. His name was closely associated with Filmistan; people spoke of it as Jalaram Tolan's studio. He also adored the madness of the film industry – the constant highs and lows, the hits and the flops, the gossip, the glamour, the scandals – and that all of it was out there in the open, completely public. Moreover, he wanted to maintain the colourful personal life he enjoyed and his several affairs with newcomers in the film industry. Tolan did not want Filmistan to shut shop for all these reasons, but at the same time, he recognized that large studios could no longer afford to operate like they used to. He came up with a solution: to rent out the

studio spaces in Filmistan, but only for filmmaking activities, to other producers. Thus a new definition of the studio was born; it became a shell that could be hired by any filmmaker and Tolan became the landlord. By the 1970s, Jalaram Tolan was recognized as an important figure in Bombay's film industry, as one of the biggest financiers and producers of films. His was a complex personality that attracted mixed opinions and responses – both awe and disgust in equal measure. The actor–filmmaker Mehmood made a film, *Sabse Bada Rupaiya*, in which he parodied Tolan.

Narvekar designed several buildings for Jalaram Tolan, including his bungalows, the buildings of his textile mill and a house for Nina – his favourite mistress, to whom he entrusted the affairs of Filmistan in 1976. Like in Bombay Talkies, over the years, in Filmistan too several other enterprises came up – some with permission, some without; some were sub-let by existing tenants, some simply encroached. When Nina took over, the first task she set herself was a cleaning-up of Filmistan. She wanted to return it to its former glory, as one of the best film studios in Bombay going back to the days of Ashok Kumar and Sashadhar Mukherjee. She evacuated as many of the smaller enterprises as she could – some by legal negotiation and others by using muscle power, which she mustered from the contacts she had made through Tolan. She asked for Narvekar's help to deal with those she was unable to remove. Narvekar surveyed the premises of Filmistan and proposed that all the remaining small enterprises be confined within one shed. Another important suggestion he made was to erect a high compound wall that would define the boundaries of the property clearly and restrict the expansion of existing enterprises, as also prevent others from encroaching. Narvekar had earlier suggested the same for Bombay Talkies, but Tolan had felt a boundary wall there would decrease the value of road-facing enterprises which could otherwise be directly accessed by customers. As a result, the boundaries of the premises of Bombay Talkies remained blurred and got mixed up, over the years, with neighbouring properties, with new claims being made every now and then. In Filmistan, on the other hand, Nina effectively cleaned the premises of several years of accumulated neglect. The make-up rooms and other services were put back in place, and within a year after she took over, the studio started running five shifts a day as opposed to the earlier five shifts a month.

Meanwhile, there were some changes within the Framji Trust, the original owner of Bombay Talkies. Sir Cowasji Jehangir, the sole trustee, died in 1962. Before his death he handed over the affairs of the trust to the National and Grindlays Bank, as Edulji II and Bachubai, Framji's surviving children who were the beneficiaries of the Trust, had moved to the United States. Since there was ambiguity in Framji's will as to who would be the trustee after Cowasji's death, Edulji II filed a petition in the High Court of Bombay to allow him and his sister to become trustees. The High Court ruled favourably on his petition, and Edulji II and Bachubai became trustees of the Framji Trust, removing National and Grindlays Bank. Of the two, Bachubai was married; but neither had any children. While living in New York, Edulji spent much of his time working with charities for the needy and the old, and for animals. During his occasional visits to India too, he would make it a point to visit old age homes, orphanages and animal shelters, but he was not very impressed with the way these places were run and doubted the integrity of the people in charge. So, before his death in March 1970, he made a will naming two charities based in New York, the US Salvation Army and the

American Society for Prevention of Cruelty to Animals, as the beneficiaries of all his inheritances – but only after the death of his sister Bachubai, who would remain the sole beneficiary until then. Edulji created a trust for handling his entire property and made his sister the administrator of the trust. As Bachubai herself was growing old and lived in the US, in June 1970, just a couple of months after her brother's death, she appointed his close friend and solicitor, Jehangir Dubash, as the administrator of the trust.

Fed up with the condition of the dirt-road in front of his unit which was never repaired and ridden with pot holes, Shekar Jangda helped Mahesh Sharma to organize an association of the occupants of the Bombay Talkies premises, to improve the facilities. Over the years, the Bombay Talkies compound had transformed into a crowded and active industrial area where it was difficult any longer to distinguish between the interiors and the outside – most of the work spilt out on to the streets, which not only served as corridors to move people and goods, but also afforded nooks and corners where people could sit down to relax, chat and have tea. The urban chaos that emerged blurred the edges of built form, streets and human activity. The roads remained wet and dirty most of the time with chemicals and waste from factories. During the rains things became worse and flooding caused damage to most units. Shekar had managed to obtain contracts from several large industries like the Mahindras and Kirloskars recently, and had several top-level executives visiting his unit. He was embarrassed, on such occasions, not only by the condition of the road leading to his unit but also the slum-like appearance of his neighbourhood.

In the early 1980s, when Sumitra Daga decided to rent out the large sheds of Bombay Talkies that were in her possession to different entrepreneurs after her husband's death, Shekar's father, Tilakraj Jangda, had rented a small portion of one of these sheds to set up a unit manufacturing iron dyes and moulds. Sumitra herself was a tenant of Jalaram Tolan, who in turn was a tenant of the Edulji Trust. All of them shared ownership – one could not sell or change the premises without permission from the other. Meanwhile the share value of Bombay Talkies had fallen substantially and Tolan did not want to continue holding the shares for long; at the same time, he did not want to lose the land that belonged to the company. As a way out, he decided to set up a trust in his father's name – the Ramkumar Tolan Trust – and made Bombay Talkies sell its land to the trust at a very nominal price. All the tenants of Bombay Talkies thus became tenants of the Ramkumar Tolan Trust; immediately after that, Jalaram Tolan sold the shares of the company. The people who bought the shares formed a new Board of Directors, who later decided to use the name Bombay Talkies for a small software company. The land, however, continued to be known as the Bombay Talkies compound.

Tilakraj Jangda's business grew over time and he bought the premises that belonged to his neighbour by transferring his tenancy to himself, and paid Sumitra Daga to make this transfer. When Shekar took over the business from his father in the late 1990s, he made many changes – he invested in getting new machines, hired many more workers and increased the production. He also started outsourcing some of the activities and obtained ISO certification.

Mahesh Sharma, who manufactured springs in a shed adjacent to Shekar's, had been talking for some time about forming an association of the entrepreneurs in the Bombay Talkies compound, in order to pressurize the municipality to repair the roads and improve sanitation facilities in the area. The association was finally formed in 1999, with about 800 members. Considering the complicated nature of the tenure relationships with many layers of tenants and sub-tenants, it was decided that all final occupants of the Bombay Talkies compound would be eligible for membership of the association. Thus in the case of the Jangda family Shekar became the member, while Sumitra Daga's family had no representation even though she was a direct tenant of the Ramkumar Tolani Trust. The association called itself 'Bombay Talkies Compound Small Industries Association', rather than 'Bombay Talkies Compound Tenants' Association'.

The first activity of the Bombay Talkies Association was to write a letter to the municipality requesting improvement of the roads and sanitation. After several follow-ups, the municipality wrote back saying that it could not undertake the improvement work as the property was privately owned. Mahesh Sharma and his colleagues in the Association then convinced the local councillor to invest some of his discretionary funds on improving facilities in the Bombay Talkies compound. The councillor agreed, seeing this as an opportunity to not only make some money from the work contractor, but also to make the members of the Association his well-wishers. This, however, was not a sustainable solution and the problems recurred soon.

Meanwhile, Arzaan Contractor had become the new owner of the land as the administrator of the Edulji Trust. Jehangir Dubash, who had been appointed by Bachubai as administrator of the trust, suffered a mild heart attack in September 1972. He requested Bachubai to discharge him from the duties of managing the Edulji Trust, and suggested the name of young Arzaan, son of the cotton magnate Neville Contractor, to take over. Arzaan was a direct descendant of Lovji Nusserwanjee, a famous ship builder from the British era, and Bachubai, who knew the Contractor family well, had no reluctance in inviting him to manage the Edulji Trust and its properties. In December 1972, she executed a power of attorney appointing Arzaan Contractor as the administrator of the property.

One of the first things Arzaan did was to get rid of the two American charities which were the ultimate beneficiaries of the Edulji Trust. His lawyers dug out a clause from the Indian Succession Act, 1925, which did not allow any charitable organization to benefit from a will where the donor had died within twelve months of making the will. Edulji II made his will on 4 February 1970 and died on 14 March the same year. Therefore, Bachubai, as his closest relative, was the complete benefactor in the eyes of the law. And since she had appointed Arzaan Contractor as administrator of the Edulji Trust, he became the de-facto owner of the property.

Arzaan was also the first to take complete stock of the lands owned by the Edulji Trust. He got a map prepared in 1995 of the entire 2,500 acres in Malad and Borivali, which made it clear that most of the land was still agricultural. The municipality had borrowed a large plot to dump garbage, and the remaining small pockets were occupied by tenants like the Ramkumar Tolani Trust and others. The Tolani Trust had its own sub-tenants who in turn had leased part of their premises to others, creating a complex and ambiguous pattern of tenure. It was difficult to identify the exact number of claimants in these pockets. Arzaan decided to leave them to their fate

and concentrated on developing other parts where there were a smaller number of claimants.

In April 1995, Arzaan Contractor entered into an agreement with Fernani Hotels for developing some 478 acres in Malad, which were being used by the municipality to dump garbage. According to the terms of the agreement, Fernani Hotels would develop the land after stopping the dumping by the municipality, and 12 per cent of all profits made from such development would be paid to the Edulji Trust. Fernani Hotels managed to organize the residents of the area to file a public interest litigation against the municipality to stop its dumping activities. Pollution and bad smell causing a health hazard to the residents were the main contentions of the litigation. In 1999, the High Court ruled in favour of the residents, directing the Municipal Corporation of Greater Mumbai to stop the dumping activity immediately and vacate the land. Fernani Hotels wasted no time in taking possession of the land.

It was difficult to create a market for the property since it was situated on a garbage dump in a distant suburb of the city. The owners of Fernani Hotels strategized the development of the property carefully. First, they cordoned off the land with high tin-sheet fencing and a hoarding came up along the fence with the label 'Mind Space'. The ambiguity of the advertisement spurred speculation. Slowly, clues started appearing on other hoardings – it was a township being developed by one of the biggest developers in the country, the Tanejas. Then the real estate consultants took over. The ambience of speculation helped to create a large real-estate demand for the project, and the first set of properties were sold or leased even before the foundation for the buildings were laid. The developers also campaigned with the authorities to invest in two arterial roads near the site that would connect it with the rest of the city and with the airport.

Immediately outside the fenced space were small plots of land that belonged to small farmers. These agricultural fields were hurriedly bought up by small developers, who mobilized the required money from large networks of investors, real-estate agents and the mafia. Overnight, the price of land hit the roof. For the farmers too it was an opportunity to strike gold. Most of the agricultural lands started getting developed as housing colonies. A year later, a section of the vast fenced-in area was opened to view – in place of the stinking garbage dump stood a brand new mall with three super stores, several small boutiques and a five-theatre multiplex. Just behind the mall was a call centre. As soon as the fence opened, real-estate prices all around spiralled upwards further. People responded with confusion – some sold their houses and retired to other quieter parts of the city after sending their children to study abroad; some started bargaining with the developers to raise the value of their properties; some took loans to buy property in other areas at lower prices with the expectation that there would be an appreciation there too, later.

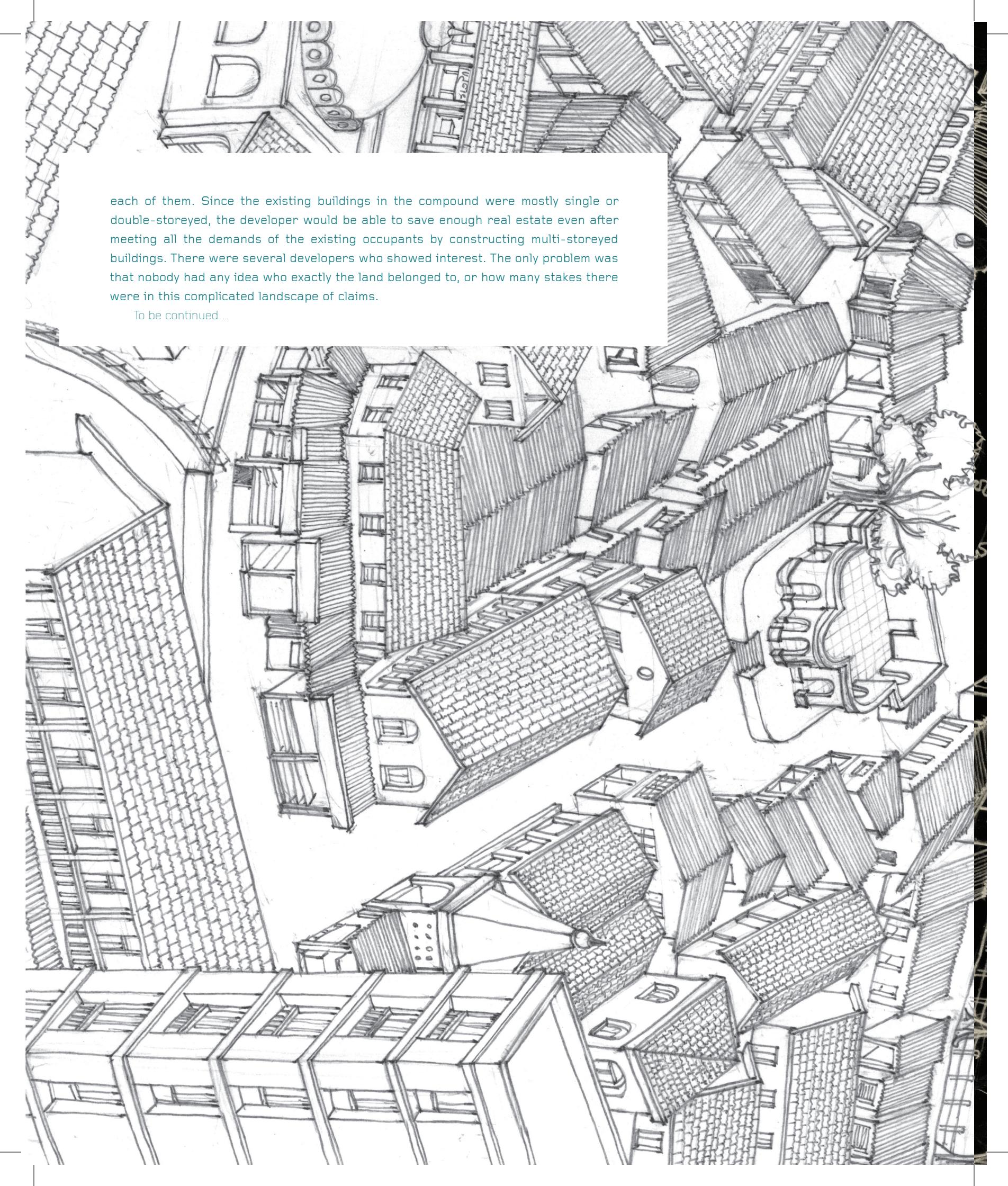
Gradually, more and more sections of the fenced-in area were opened – to reveal call centres, a shopping mall, a large number of residential complexes, wide roads, clubs, gardens and so on. A small part of the original garbage hill was kept intact and a garden was developed over it. The spaces around the 'Mind Space' complex also changed. Predominantly developed as residential complexes, these areas started sprouting absurd combinations of enterprises: interior designers combined with stockbrokers, travel agents with courier and security services, money-transferring

agencies with an employment bureau or contract-labour agency, etc. There were also informal street-level eateries, providing cheap food to the working people in the area who could not afford the malls. Older residential neighbourhoods, slums and village settlements were also getting redeveloped into swanky skyscraper apartments and office blocks.

Bachubai passed away in New York in August 2003. With her death, the properties of the family of Seth Edulji Dinshaw in Mumbai were up for contestation. Arzaan Contractor considered himself the highest contender, and managed to obtain an order from the Bombay High Court in November 2003, permitting him to continue as the administrator of the Edulji Trust and its properties. Fernani Hotels, with whom Arzaan entered into an agreement for developing the property in Malad, is owned by the Taneja family, one of the largest real-estate developers in Mumbai. The owners of Fernani Hotels got the property leased to another of their companies, K. Taneja Universal, at extremely low rents. As the rents were returns from the land, 12 per cent had to be shared with Arzaan according to the terms of the agreement. This worked out to be a minuscule amount. The Tanejas had cheated Arzaan. In February 2008, Arzaan terminated the agreement between him and Fernani Hotels, and moved the Bombay High Court against the Tanejas, pleading that all the developments carried out by the Tanejas should be demolished and he should be paid damages. The case has been dragging in the court for some years now, and it appears that Arzaan's real intention is not so much to get the new developments demolished as to get a better share in the profit-pie.

Meanwhile the lawyer for the Tanejas, Abhishek Singhvi (also a Member of Parliament), came up with an idea on how to deal with the issue. He advised the Tanejas to lodge a counter-petition against Arzaan's claim over Edulji's properties. Singhvi launched a powerful attack in Bombay High Court on how Arzaan had no rights over the properties of Edulji and Bachubai, and that since the Tanejas were the final investors, their third-party interests should be honoured. He also argued that under an amendment to the Indian Succession Act, the Parsi community was exempt from the rule that did not allow a charitable organization to benefit from a will if the donor died within twelve months of making the will, and that therefore the two American charities named by Edulji were the real beneficiaries of the returns from the land. Arzaan did not fall behind in hiring a barrage of high-profile lawyers, led by Fali Nariman, to respond to the petition. While noting that Singhvi's arguments were a gratification for one's intellectual appetite, the judge of the High Court observed that they were driven by malafide interest on the part of the Tanejas, following which he finally dismissed the Tanejas' petition stating that Arzaan's claim over the lands could not be questioned.

The redevelopment exercises around 'Mind Space' captured the imagination of Shekar Jangda and Mahesh Sharma, who dreamt of similarly redeveloping the Bombay Talkies compound into a world-class industrial centre. Believing that all their woes would get addressed if redevelopment happened, they started talking to people who were in the business – real-estate agents, small developers, other landlords, architects, and so on. They launched a search for a developer who would develop the entire 18 acres, give each of the occupants a piece of the property that was slightly larger than what they currently occupied, and also pay some additional money to



each of them. Since the existing buildings in the compound were mostly single or double-storeyed, the developer would be able to save enough real estate even after meeting all the demands of the existing occupants by constructing multi-storeyed buildings. There were several developers who showed interest. The only problem was that nobody had any idea who exactly the land belonged to, or how many stakes there were in this complicated landscape of claims.

To be continued...

