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CORRUPTION, LAND SCAMS, AND CRIMINAL LAW **IN INDIAN REAL ESTATE**

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Abstract

Corruption and land scams occupy a central place in the study of Indian real estate because land is at once a scarce economic resource, a source of social identity, a site of political brokerage, and a legally mediated asset. In India, land is never merely a commodity in the ordinary market sense. Its transferability, developability, and exchange value are shaped by revenue records, registration practices, planning permissions, zoning classifications, conversion rules, local political influence, and bureaucratic discretion. For this reason, the study of land fraud cannot be confined to the private law of sale and transfer. It must be situated within a wider socio-legal and political economy framework that takes seriously the role of state institutions in producing, validating, and sometimes distorting property relations.

Real estate transactions in India frequently depend on a layered architecture of administrative acts: mutation entries, survey and demarcation, classification review, non-agricultural conversion, layout sanction, environmental clearance, building permission, stamp valuation, and deed registration. These processes are not always integrated, and the fragmentation itself creates opportunities for abuse. A parcel may appear marketable at one stage while remaining legally vulnerable at another. Purchasers often rely on a mixture of formal records, broker assurances, local reputation, and lawyer-issued title opinions. This fragmented ecosystem is highly susceptible to fraud because apparent legality can be manufactured through selective paperwork, concealment, and strategic use of delay. When forged documentation, false claims of title, concealed beneficial ownership, and official complicity are added to this mix, land disputes exceed the domain of civil conflict and enter the terrain of criminal law, public accountability, and governance failure.

Introduction

The central claim of this paper is that land scams in India persist not simply because some actors are dishonest, but because the legal order treats land simultaneously as a civil asset, a revenue entry, a registrable document, a planning object, and a vehicle for storing concealed wealth. Each institutional lens captures only a fragment of the problem, and that fragmentation allows fraudulent actors to move strategically between civil, criminal, tax, regulatory, and insolvency arenas. What appears to one forum as a title dispute may appear to another as cheating, to another as benami concealment, and to another as an insolvency issue involving distressed assets. The result is not only doctrinal complexity but also a practical diffusion of responsibility.

Here, the first part explains why land and real estate are especially vulnerable to corruption in India. The second identifies recurring forms of land scams and the techniques through which they operate. The third explores the criminal law framework, including the transition from the Indian Penal Code to the Bharatiya Nyaya Sanhita in the language of property fraud. The fourth examines the unstable boundary between civil disputes and criminal prosecution. The fifth focuses on corruption and administrative complicity. The sixth analyses benami property and concealed ownership. The seventh studies the relationship between RERA, de-criminalization, and fraudulent conduct. The eighth considers insolvency and the afterlife of fraud. The ninth proposes a reform agenda rooted in institutional design rather than merely punitive symbolism. This paper is concerned not only with what statutes and cases formally say, but with how institutions behave: how police register or avoid land-fraud complaints, how courts classify disputes, how registration systems process dubious documents, how anti-benami authorities define suspicious ownership, and how insolvency frameworks repackage fraudulent real estate collapse as a problem of collective resolution. This perspective is necessary because land scams are rarely the product of one moment of deception. They are produced through chains of conduct, documentary practices, and institutional silences.

Why Real Estate Attracts Corruption

Real estate is unusually exposed to corruption because legally marketable land in India is not simply discovered in a transparent market; it is assembled through state-mediated processes. Unlike ordinary movable goods, land derives much of its exchange value from administrative recognition. A plot becomes saleable or developable only when records, permissions, and

classifications converge sufficiently to create confidence in transferability. This convergence is often incomplete, which means that uncertainty itself becomes a source of rent-seeking. Where uncertainty is endemic, intermediaries can profit by promising to manage or neutralise it.

Several features of Indian land administration deepen this vulnerability. First, registration does not confer conclusive title. It records transactions rather than guaranteeing the underlying truth of the title asserted. Second, mutation entries are often treated socially as proof of ownership even though they are primarily revenue records. Third, encumbrance searches reveal only what has entered particular formal channels and may not disclose informal claims, unresolved disputes, or forged antecedent documents. Fourth, land-use and planning restrictions may be scattered across different departments and may not be readily visible to purchasers. These structural limitations generate space for fraudsters to construct an appearance of legality through partial compliance and selective disclosure.

Corruption thrives in this setting because discretion is distributed across multiple offices. Survey staff, revenue clerks, registration officials, development authorities, municipal bodies, and local political intermediaries can each influence the pace, visibility, or outcome of a transaction. Bribery in land matters therefore does not always take the simple form of payment for a single illegal favor. It can involve strategic omission, selective blindness, preferential sequencing of files, retrospective regularization, deliberate non-digitization of critical entries, or the suppression of adverse information. Corruption in real estate is thus closely tied to document management and procedural control.

The connection between public power and land value intensifies these risks. When a master plan is revised, a new highway or metro corridor is announced, or a formerly peripheral area is opened to urban development, land values can rise dramatically. Such changes generate incentives for speculative acquisition before information becomes publicly salient, for benami holding to conceal politically sensitive interests, and for manipulation of classifications and boundaries. Where the state can substantially create or destroy land value, private actors will seek privileged access to decision-makers. In that sense, corruption in land markets is not accidental; it is structurally produced by the legal and administrative architecture of urbanization.

Peri-urban growth offers a particularly revealing site for this analysis. The conversion of village land into urban real estate frequently occurs through ambiguous and incremental processes. There may be partial layout approvals, unregularized colonies, parallel informal possession arrangements, and a mix of agricultural and non-agricultural uses. In such spaces, law operates less as a single clear rulebook than as a layered field of negotiability. That very negotiability enables both ordinary survival strategies and organized scams. It becomes difficult to distinguish between informal adjustment, opportunistic rule-bending, and outright criminal fraud. The criminological challenge lies in identifying when the exploitation of legal ambiguity crosses into deception, conspiracy, and corrupt enrichment.

Major Forms of Land Scams

Within this structurally vulnerable environment, several recurring forms of land scams can be identified. The first is forged-title fraud. Here, the offender fabricates or manipulates ownership records and uses forged powers of attorney, fake identification, impersonation of landowners, or falsified supporting documents to execute a transfer. The transaction may pass through formal channels, including registration, because the system is often oriented toward document presentation rather than historical title verification. The resulting sale deed acquires an aura of legitimacy even though its foundation is fraudulent.

A second form is the multiple-sale scam. In these schemes, the same parcel or unit is sold more than once, sometimes to buyers in different locations or at different stages of record mutation. Recent reporting on a Hyderabad case involving allegations that the same plot was sold repeatedly, in a matter reportedly involving ₹15.26 crore, illustrates this phenomenon. The significance of such cases lies not only in the monetary scale but in the institutional implication: multiple sales usually require some combination of delayed record-updating, manipulation of access to documents, or confidence that officials will not detect or flag duplication in time. The fraudster profits by monetizing the temporal gaps and informational silos of the registration system.

A third pattern involves the sale of legally restricted, practically unusable, or misleadingly described land. Buyers may be induced to purchase land lacking valid conversion, land covered by acquisition notifications, land falling in environmentally sensitive zones, land ineligible for regular development, or land without sanctioned layout approval. Often the seller or promoter

assures the purchaser that approvals are imminent or that local influence will neutralize the legal barrier. In such situations, the fraud lies as much in the representation of future legality as in the concealment of present illegality.

A fourth pattern is project-level fraud. Promoters collect substantial sums from buyers for apartments, plotted developments, or integrated townships while lacking clear title, lawful permissions, project viability, or honest intention to complete the project as promised. The resulting harm may be diffused across hundreds or thousands of buyers. Reports concerning the Earth Infrastructure case, which described a ₹2,004 crore scandal leaving around 19,000 buyers stranded, show the scale on which such misconduct can occur. These cases are analytically significant because they collapse distinctions between consumer harm, corporate misgovernance, insolvency, and criminal deception. What begins as a real estate marketing promise can end as a mass-victimization event.

A fifth pattern involves benami or proxy ownership structures. Here, property is held in the name of one person while another provides the funds and exercises real control. Such structures may be used to conceal political exposure, disguise illicit enrichment, park unaccounted money, or distance influential actors from controversial acquisitions. Even when a benami arrangement does not itself defraud a buyer in the conventional sense, it contributes to a corrupt real estate ecosystem by obstructing transparency and making it difficult to trace accountability for land accumulation.

A sixth pattern, often under-emphasized, is the collusive redevelopment scam. In dense urban areas, redevelopment projects involving societies, buildings, or informal settlements may generate opportunities for forged consents, manipulated meetings, under-disclosure of rights, and strategic intimidation of dissenting occupants. Here, the scam is not always a straightforward sale of fake property. It may involve the capture of collective decision-making processes so that redevelopment rights are transferred under conditions of partial deception. The criminality may be diffuse, but its effects are substantial.

These forms of illegality are not mutually exclusive. A single real estate scam may combine forged title papers, repeated transfers, non-transferable land, project misrepresentation, diversion of buyer funds, and benami concealment. For criminal law, the key challenge is classificatory: how to map these overlapping forms of wrongdoing onto offences of cheating,

breach of trust, forgery, conspiracy, corruption, and specialized statutory contraventions. For socio-legal analysis, the deeper question is how institutions decide which of these harms are treated as crime and which are normalized as market risk.

Criminal Law and the BNS Transition

The criminal law response to land scams has long been framed through the Indian Penal Code, particularly through the familiar shorthand of cheating, criminal breach of trust, forgery, use of forged documents, and criminal conspiracy. With the enactment of the Bharatiya Nyaya Sanhita, the formal vocabulary of criminal law has changed. Contemporary legal commentary on property fraud now explains that practitioners can no longer rely exclusively on legacy references such as “IPC 420,” and must instead restate allegations through the corresponding provisions of the new code. A recent January 2026 explainer on property fraud in India expressly noted this shift, illustrating how the public understanding of real estate crime is already being translated into the BNS framework.

Yet the substantive pattern of criminality remains broadly stable. In most land scams, the prosecution still has to establish deception at the inception of the transaction, dishonest inducement to deliver money or property, knowledge of falsity, and often a chain of documentary manipulation. The code may have changed, but the evidentiary burdens remain. A seller who never had authority to transfer the land, a developer who advertised a project while knowing that permissions were absent or title defective, or an intermediary who fabricated a power of attorney still falls within a classic criminal law logic of deceit plus unlawful gain.

This continuity matters because it reminds us that code reform alone cannot solve the enforcement problem. The difficulty in land-fraud cases is rarely the absence of an offence definition. The difficulty lies in proving intention, tracing documents, obtaining departmental records, accessing electronic trails, protecting complainants, and overcoming institutional reluctance to treat land matters as more than civil disputes. Even a theoretically strong criminal code will have limited impact where investigation is weak, forensic verification is delayed, and local networks of influence distort police action.

The BNS transition may nonetheless matter in three ways. First, it affects legal literacy. Buyers, lawyers, and police officers accustomed to the old vocabulary must adjust to new statutory references, and this transition period may create confusion or inconsistency in complaint drafting and charge framing. Second, it affects judicial language and doctrinal mapping, especially in transitional cases where earlier precedents use IPC terminology but current prosecutions proceed under the BNS. Third, it offers an opportunity to rethink whether property crime should continue to be approached primarily through generic cheating provisions or whether more specialized investigative protocols are needed for high-value document-based fraud.

The language of criminal law has changed; the structure of vulnerability has not. That distinction is important because it prevents doctrinal reform from being mistaken for institutional reform.

The Civil-Criminal Overlap

One of the most persistent problems in land-scam litigation is the unstable boundary between civil dispute and criminal offence. Accused persons routinely argue that the controversy concerns breach of contract, title disagreement, delayed performance, or a contested promise of sale and therefore belongs in civil court. Complainants, by contrast, allege that the same conduct amounted from the outset to criminal cheating, breach of trust, forgery, or conspiracy. This overlap is not a marginal doctrinal inconvenience. It is one of the central features through which land fraud is contested and often diluted.

The warning against “criminalizing civil disputes” is well known and doctrinally important. Criminal law should not become a coercive debt-recovery mechanism. Yet land transactions are rarely doctrinally pure. A single set of facts may contain both contractual obligations and deceptive conduct: false claims of clear title, suppression of encumbrances, forged permissions, fabricated identities, or sale of the same asset to more than one person. In such cases, the formal availability of a civil remedy does not extinguish the criminal dimension. The key question is whether dishonest intention was present at inception, not whether a contract also existed.

This overlap matters institutionally as well. Many buyers resort to criminal complaints because civil remedies are too slow, too fragmented, or too weak to prevent further alienation of property. An FIR may be the only practical means of compelling state attention, preserving documents, or signaling seriousness to officials who would otherwise dismiss the matter as private. At the same time, misuse concerns are real. Parties to genuinely contested commercial transactions may invoke criminal law strategically to pressure settlement or recover money. Any robust analysis must therefore recognize that both under-criminalization and opportunistic criminalization coexist.

An analytically sound approach is to identify markers of criminality that justify stronger penal scrutiny. These include forged foundational documents, impersonation, false claims regarding approvals or title, repeated sale of the same property, concealment of a known legal disability affecting transfer, use of proxy identities to obscure real ownership, or collection of funds despite knowledge that promised performance is legally impossible. Where such indicators are present, the language of “mere civil dispute” can function as a shield for serious wrongdoing. Conversely, where the dispute concerns only performance failure without evidence of prior deception, criminal law should be used cautiously.

This area is especially fertile for socio-legal research. A systematic study of quashing petitions, anticipatory bail orders, closure reports, and charge sheets in land-fraud cases would help reveal how courts and police actually distinguish civil from criminal. It may show that the distinction is less principled and more institutional than doctrine suggests, shaped by case load, local influence, documentary complexity, and judicial attitudes toward market disputes.

Corruption and Administrative Complicity

Many land scams depend on more than private deception. They require, or at minimum benefit from, administrative failure or complicity within registration offices, revenue departments, planning authorities, and municipal bodies. When forged deeds are registered without meaningful scrutiny, when mutations are processed despite obvious red flags, or when illegal layouts later receive partial regularization, the state’s documentary machinery becomes a medium through which fraud acquires legitimacy. In this sense, corruption is not merely an external contaminant of land markets; it is often internal to the processes that create legal visibility for property.

Recent cases underscore this reality. Reporting on the Hyderabad multiple-sale plot case did not portray the matter as a simple private cheating dispute alone; it raised concerns about record manipulation and possible registration-level facilitation. That is important because repeated sales of the same plot are difficult to sustain without exploiting some weakness in information flow, records management, or official diligence. A socio-legal account must therefore move beyond the isolated “fraudster” and examine the networks of deed writers, brokers, valuers, local political intermediaries, registry agents, and officials within which such scams are embedded.

Corruption in land matters also differs from classic bribery narratives. Often the key misconduct is not a visible quid pro quo but silence, strategic delay, selective blindness, retrospective paperwork, or the convenient absence of verification. An officer may not create a forged document, yet may help sustain its legal life by failing to flag inconsistencies. A planning authority may not formally endorse an illegal layout, yet may permit a climate of ambiguity within which plots are sold. Understanding corruption in real estate therefore requires attention to omission as much as commission.

The Uttar Pradesh government’s 2026 decision making PAN mandatory for buyers and sellers in property transactions is revealing in this context. Contemporary reporting indicated that the measure was aimed at curbing benami ownership and unusual or foreign-funded acquisitions, especially in sensitive districts near the Indo-Nepal border. The reform is important less for PAN itself than for what it signals: state recognition that opaque ownership and weak transaction traceability are major enablers of suspect land deals. By requiring PAN verification through the registration workflow, the state attempted to move from paper-based trust to data-linked scrutiny.

Such reforms, however, should not be romanticized. Digitized identity trails can improve detection, but only if records are accurate, interoperable, and administered fairly. They can also deepen exclusion where poorer purchasers lack digital literacy or where errors in identity databases obstruct lawful transactions. Moreover, data-based scrutiny can itself become selective if enforcement targets only certain social groups or regions. The anti-corruption potential of digitization therefore depends on governance design, not on technology alone.

Benami Property and Concealed Ownership

The benami framework has become indispensable to contemporary analysis of corruption in real estate. At its core, a benami arrangement involves property held in the name of one person while another provides the consideration and retains the real benefit. Historically, some such arrangements were justified as family convenience or cultural practice. In the present legal landscape, they are increasingly scrutinized as mechanisms for concealment, illicit enrichment, and insulation from accountability. This is especially important in land markets, where property can function both as a store of wealth and as a medium through which political influence is converted into private gain.

Recent Supreme Court decisions have strengthened the autonomous logic of the benami regime. In *S Rajendran v Deputy Commissioner of Income Tax (Benami Prohibition)*, reported as 2026 LiveLaw (SC) 199, the Court held that attachment orders under the Prohibition of Benami Property Transactions Act could not be challenged before insolvency fora under the IBC. It clarified that the Benami Act is a self-contained code, that the moratorium under section 14 IBC does not bar sovereign confiscatory proceedings, and that benami property does not become part of the liquidation estate. This is a significant holding because it prevents insolvency from being used as a jurisdictional shelter for tainted property structures.

Another major 2026 ruling, *Manjula and Others v DA Srinivas*, reported as 2026 Supreme (SC) 513, further tightened the doctrinal treatment of benami claims. The Court held that property purchased through a benami transaction could not be reclaimed by the real owner merely on the basis of a will executed by the ostensible owner. It rejected attempts to disguise commercial arrangements as fiduciary relationships and affirmed that the benami prohibition must be enforced even where litigants seek to frame the dispute as one of succession or testamentary transfer. Commentaries on the decision emphasized the Court's strong approach to retrospectivity in the machinery provisions of the statute and its refusal to permit pleading strategies that would effectively legalize benami claims through civil procedure.

These cases matter for the political economy of real estate because concealed ownership is often the bridge between corruption and property accumulation. Benami structures can mask the participation of politically exposed persons, shield public officials or their associates, and diffuse accountability across layers of nominal ownership. They also complicate the work of

investigators and purchasers, who may be dealing not merely with defective documents but with deliberately obscured beneficial control.

At the same time, the intensification of benami enforcement raises due process questions. Confiscatory regimes are powerful. They can deprive persons of property on the basis of findings about beneficial ownership that may be difficult to prove or contest, especially in family settings where financial flows are informal. The challenge for legal scholarship is therefore twofold: to appreciate the necessity of anti-benami enforcement in a corruption-prone property market, while also examining how procedural fairness, evidentiary standards, and selective enforcement shape the lived impact of the regime.

RERA, Decriminalization, and Fraudulent Conduct

The Real Estate (Regulation and Development) Act, 2016 was introduced as a transparency and consumer-protection statute for the real estate sector. It requires project registration, imposes disclosure obligations, regulates advertising, restricts diversion of funds through escrow norms, and creates adjudicatory forums for allottees. In principle, RERA addresses many of the practices that underpin project-level scams: opacity, delay, false promises, and lack of financial discipline. Yet its practical relationship with criminal law is more layered than is often assumed.

Many acts that generate RERA liability can also support criminal prosecution. If a promoter knowingly markets a project without clear title, conceals the absence of approvals, diverts buyer funds in bad faith, or induces investment through misrepresentation, the same facts may amount both to regulatory violation and to cheating or breach of trust. RERA therefore does not replace criminal law. It coexists with it, producing a field of overlapping remedies in which a buyer may move simultaneously before the RERA authority, consumer forum, civil court, and police.

This overlap creates both opportunity and confusion. On one hand, multiple forums provide strategic options to aggrieved purchasers. On the other, fragmentation can dilute accountability, encourage forum shopping, and produce inconsistent outcomes. A developer may treat RERA proceedings as a regulatory inconvenience while resisting criminal allegations as overreach. Buyers may secure favorable regulatory orders that remain unenforced, pushing

them to seek criminal remedies for leverage. The issue is not simply whether criminal law should apply, but how regulatory and penal frameworks should be coordinated so that they are complementary rather than chaotic.

The 2026 proposal to amend section 68 RERA by replacing imprisonment for non-compliance by allottees with monetary penalties is significant in this context. The proposal reflects a broader decriminalization trend in economic regulation: technical or compliance-based defaults are increasingly seen as poor candidates for custodial punishment. That is normatively defensible. Not every failure within a complex real estate transaction warrants incarceration. Yet the decriminalization debate must not obscure the difference between technical default and deliberate fraud. There is a crucial distinction between delay or non-compliance arising from market stress and deception arising from falsity, forgery, or knowing misrepresentation.

A balanced enforcement architecture should therefore reserve strong criminal sanctions for the core wrongs of real estate fraud: fabricated title, diversion of funds with dishonest intent, sale of legally defective inventory, false claims regarding approvals, repeated sale of the same asset, and collusive manipulation of records. RERA should be robustly enforced as a regulatory framework, but its decriminalization in limited respects should not be misread as leniency toward fraud. Instead, it should prompt sharper differentiation between regulatory discipline and penal culpability.

Insolvency and the Afterlife of Fraud

Large-scale real estate scams often culminate not in tidy criminal trials but in insolvency proceedings. When developers become financially distressed, stalled projects and stranded homebuyers are translated into questions of creditor hierarchy, asset valuation, project completion, and resolution planning. This transformation has significant legal and moral implications. A project that may have originated in deception becomes, in insolvency discourse, a distressed asset pool to be managed and optimized. The grammar of accountability is partially replaced by the grammar of resolution.

There are practical reasons for this shift. Insolvency law offers tools for collective action, continuation of projects, and partial protection of homebuyers as financial creditors. But insolvency can also obscure the earlier stages of wrongdoing. Fraudulent inducement,

diversion of funds, and concealment of defective title may fade into the background as the system focuses on salvage. Homebuyers, who were originally victims of deception, become one category among many in a technocratic resolution process.

The Earth Infrastructure scandal demonstrates the scale of this transformation. Reports in 2026 described a ₹2,004 crore real estate scam affecting around 19,000 homebuyers. Yet the practical response to such mega-frauds often involves not only criminal investigation but also insolvency management, project-specific committees, and attempts at collective recovery. The criminal law question—who deceived whom, and with what intent—coexists uneasily with the insolvency question—how can any residual value be allocated or revived?

The interaction between insolvency and benami law further sharpens this tension. If assets linked to a failed project are also the subject of benami attachment, they may fall outside the insolvency estate altogether. The Supreme Court's decision in *S Rajendran* confirms this possibility. That position prevents insolvency from neutralizing confiscatory proceedings, but it may also reduce the pool of assets available for innocent buyers and creditors. The normative conflict is clear: should the law prioritize collective recovery for victims, or the state's sovereign interest in seizing tainted property? The answer is not straightforward, and it is precisely this complexity that makes real estate such an important site for studying the intersections of criminal law, public law, and economic governance.

Evidence, Victims, and Enforcement Limits

Victims of land scams face distinctive evidentiary disadvantages. They may possess receipts, brochures, allotment letters, copies of sale documents, emails, text messages, or oral assurances, but lack access to the authoritative records needed to prove prior transfers, forged entries, land-use restrictions, beneficial ownership structures, or collusive administrative conduct. Critical information may be dispersed across revenue offices, registration departments, municipal authorities, lenders, and private intermediaries. The cost of assembling a coherent evidentiary narrative is therefore high, especially for individual buyers.

This challenge is compounded by the temporal structure of real estate fraud. Buyers often discover the problem late—at the stage of possession, mutation, resale, financing, or attempted development. By then, funds may have been dissipated, documents altered, and accused persons may have created layers of distance between themselves and the transaction. Delay in

complaint-filing is therefore often built into the very nature of the fraud. Yet procedural law frequently treats delay as suspicious, giving accused persons tactical advantage in anticipatory bail or quashing proceedings.

Class and geography matter greatly here. High-profile metropolitan scams affecting middle-class apartment buyers may attract media scrutiny and collective mobilization, while peri-urban plot fraud affecting lower-middle-class households may remain atomized and under-litigated. Victims may lack the resources to sustain prolonged criminal proceedings or to obtain specialist legal and forensic assistance. In some areas, local power structures may actively discourage complaint where politically connected actors are involved. The result is uneven visibility and uneven justice.

This unevenness suggests a rich empirical agenda. Researchers could map district-wise FIRs on land fraud, rates of police closure, the frequency of charge sheets, the pattern of quashing petitions, and the time taken for trials. Such data would help answer whether the criminal justice system treats document-based property fraud seriously, whether land-fraud complainants are structurally disbelieved, and how state capacity varies across regions. For a book chapter, even outlining this empirical research design adds depth because it moves the analysis from doctrinal abstraction to institutional reality.

Reform Agenda

An effective response to corruption and land scams in Indian real estate requires more than harsher punishments. The first reform priority is transaction traceability. Identity-linked registration, such as the PAN-based verification introduced in Uttar Pradesh, can create auditable trails and reduce anonymity in land transfers. But traceability must go beyond identity alone. Ideally, registration platforms should integrate title history, mutation status, litigation flags, land-use classification, acquisition notifications, and approval data into a unified or interoperable search environment accessible to purchasers and investigators.

The second priority is specialized investigation. Land fraud is document-intensive, technically layered, and often linked to shell entities, complex financial flows, and digital evidence. Ordinary police responses designed for conventional street crime are poorly suited to this terrain. Dedicated units with expertise in forensic document examination, cadastral

interpretation, financial tracing, and digital record analysis are essential. Without such capacity, criminal law will continue to lag behind the sophistication of real estate fraud.

The third priority is doctrinal clarity. The legal system must distinguish more sharply between ordinary contractual failure, regulatory non-compliance, and intentional fraud. This clarity matters not merely for fairness to the accused, but for effective prioritization. Over-criminalization of technical default dilutes enforcement energy and invites mistrust toward the use of penal law in the sector. Under-criminalization of deliberate deception, by contrast, normalizes predation. Clear prosecutorial and judicial markers of criminality would improve consistency.

The fourth priority is institutional coordination. Registration departments, revenue authorities, RERA regulators, anti-benami authorities, municipal bodies, tax agencies, and insolvency fora often operate within disconnected silos. Fraudulent actors benefit from these gaps. Coordinated data-sharing, mandatory red-flag protocols, and inter-agency tasking for complex cases could substantially improve early detection. A suspicious pattern in one system should not remain invisible to the others.

The fifth priority is victim-centered restoration. Criminal conviction years later does little for buyers who have lost their savings or housing opportunities. A more responsive legal design would include rapid asset-freezing, escrow tracing, project-level restitution frameworks, and faster claims processes for mass real estate fraud. Criminal law should not be imagined only as punitive. In this context, it should also serve a restorative and preventive function.

The sixth priority is transparency in public decision-making affecting land value. Changes in zoning, master planning, redevelopment designation, and infrastructure alignment create immense speculative incentives. Publicly accessible, time-stamped decision records and stronger conflict-of-interest rules would reduce opportunities for insider acquisition and disguised influence. Anti-corruption reform in real estate must therefore extend beyond transaction law to the public law of planning and urban development.

Finally, legal reform must be accompanied by legal literacy. Many buyers remain vulnerable because they overestimate what registration proves, underestimate the significance of land-use restrictions, or rely too heavily on brokers. Public-facing due-diligence tools, standardized risk

disclosures, and local-language explanations of title verification would not eliminate fraud, but they would reduce the asymmetry on which many scams depend.

Conclusion

Corruption, land scams, and criminal law in Indian real estate are best understood as parts of a single governance problem. The recurring techniques of land fraud—fake title papers, repeated sales, misrepresentation of legal status, project-level deception, benami concealment, and administrative facilitation—show that property crime in India is deeply tied to the structure of land administration itself. Criminal law remains indispensable because these practices involve deceit, fabrication, and exploitation of vulnerable purchasers. Yet penal law alone cannot restore integrity to a market built on fragmented records, layered discretion, and opaque institutional interfaces.

Recent developments reinforce this conclusion. The BNS transition updates the formal vocabulary of property offences without altering the fundamental evidentiary challenges of land-fraud prosecution. The Supreme Court's 2026 benami rulings strengthen the legal response to concealed ownership and clarify that confiscatory proceedings can retain autonomy even in the shadow of insolvency. The proposed RERA decriminalization reforms illustrate the importance of distinguishing technical non-compliance from genuine fraud. State-level measures such as PAN-linked property registration show an increasing turn toward data-based detection of opacity in land transactions.

For legal scholarship, the key lesson is that real estate criminality must be analyzed across doctrinal boundaries. A narrow focus on criminal offences misses the ways in which planning law, land records, insolvency law, taxation, and regulatory design shape the conditions of fraud. A serious research agenda must therefore combine doctrinal analysis with empirical study of FIRs, bail practices, registration systems, benami proceedings, and project-level collapse. Only then can one understand not merely how fraud is punished, but how institutions decide what counts as fraud in the first place.

The deeper lesson is that land scams begin long before the courtroom. They begin in everyday opacity: in incomplete records, discretionary approvals, selective enforcement, opaque ownership, and public decisions that create private value without sufficient transparency. Any

enduring reform must therefore make land governance less corruptible, more auditable, and more intelligible to ordinary purchasers. Until then, criminal law will remain necessary but perpetually late, responding after the architecture of fraud has already done its work.

References / Suggested Readings:

- *Manjula and Others v D A Srinivas* 2026 Supreme (SC) 513.
- *S Rajendran v Deputy Commissioner of Income Tax (Benami Prohibition)* 2026 LiveLaw (SC) 199.
- Prohibition of Benami Property Transactions Act, 1988.
- Real Estate (Regulation and Development) Act, 2016.
- Insolvency and Bankruptcy Code 2016.
- 'UP makes PAN mandatory for property deals to curb benami, foreign-funded buys' *India Today* (6 February 2026).
- 'Property Fraud in India: Legal Realities and Consequences' (SquareYards, 8 January 2026);
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