STANDING ORDER NO. L&O/35/2022

PRINCIPLES OF POLICE INTERVENTION IN LANDLORD TENANT DISPUTES

INTRODUCTION

1. Delhi, being the National capital territory, attracts people from all parts of India for various purposes including employment and settlement. As a result, Delhi has become overcrowded leading to acute shortage of accommodation and rise in price of property. This high price and shortage of land leads to higher rental income and eagerness of landlords to get their old rental houses vacated from tenants. Similarly keenness of tenants to retain the premises at all costs is also seen. In all such disputes, it is necessary that the police must not only act impartially and transparently but should also appear to be acting fairly.

2. Cases/Complaints of harassment of tenants by land-lords through various methods with a view to get the premises vacated are commonly reported at Police Stations. Of late, forcible eviction of tenants through muscle men has increased. This is done as a short cut to eviction through civil courts. Similarly tenants resort to various methods to intimidate land-lords. Nonpayment of rent, hiring of muscle-men to brow-beat the old and infirm landlord and unauthorized occupation of additional accommodation are some such methods. The police officer concerned looking into such disputes must therefore, adopt a cautious approach to help the really aggrieved party and to provide due legal protection and help to such persons. The Tenant-landlord should be advised to explore the possibility of installation of CCTV cameras in the disputed premises to verify the facts from CCTV footages. Counter complaints against tenants by land-lords and vice-versa must be carefully looked into before initiating action u/s 107/150 Cr. P.C. Distinction should be made between the aggressor and the aggrieved in preventive proceedings. Proceedings against any of the

parties in such cases would normally be warranted only if they have given an indication of indulging in violent behavior themselves and not merely on the basis of a complaint from the opposite party as a counter complaint.

3. Land-lord tenant disputes are basically of Civil nature and do not call for any interference by the police unless: -

   i) There is imminent danger of breach of peace and/or

   ii) A cognizable offence has been committed by either of the parties or there is possibility of commission of cognizable offense.

Action u/s 107/151 Cr. P.C. should be initiated in, exceptional cases in which it is felt that breach of peace cannot be averted without arresting member/s of one or both the parties. Such an action should be taken with the prior permission of DCP under the personal supervision of SHO, who should immediately send a factual report through the ACP concerned. It shall be the duty of the ACP/Sub. Division to check up in every case that powers u/s 107/151 Cr.P.C. have not been misused with a view to favoring one party or the other.

4. Recently a case come to notice in which aggrieved party went to appeal against his detention under Section 107/151 Cr.P.C and appellate court adversely commented upon the functioning of Spl. Executive Magistrate as he did not exercise his judicial powers in a judicious manner in conformity with the requirements of law. The underlying object of the section is preventive and not punitive. The appellate court further observed that before deciding to bound down a person u/s 116(3) Cr.P.C during pendency of the proceedings u/s 107 Cr.P.C., the Magistrate must be satisfied that the person is prone to extremely unruly conduct and shows inclination to commit acts of violence. To reach a satisfaction, the magistrate must apply his judicial mind to all facts and circumstances appear in the case and give his reasons in writing for taking such an extraordinary step. The police officer must also apprise the circumstances related to property disputes before the Magistrate.

5. It shall be the duty of the Division Officers/Beat Constable under the supervision of Insp. Law & Order to maintain adequate vigilance in their concerned areas and inform the SHO of all situations which might lead to breach of peace. In cases there is real danger of imminent breach of peace, action should be taken u/s 107/151 Cr. P.C. as indicated. In all cases where action u/s 107/151 Cr. P.C. is taken, efforts should be made to have the parties bound down on interim surety u/s 116(3) Cr. P.C.

6. Forcible eviction of tenants and even land-lords have come into the notice in some cases. Some gangs of land grabbers also indulge in dispossessing people forcibly by hiring musclemen. Mere registration of a case u/s 448 IPC in such situations does not meet the ends of justice. In all cases where a cognizable offence has been committed by forcibly dispossessing any person, action should be taken as per provisions of law against the aggressor. The following action shall be taken in all such cases registered u/s 448 IPC:-

   i) All 448 IPC cases be treated as Special Report case and investigations be monitored by Distt. DCsP.

   ii) Distt. DCsP may recommend through proper channel the handing over of complicated cases to Crime Branch.

   iii) Cases in which there are complaints against the local police should invariably be referred to Vigilance Branch for enquiry.

   iv) DCsP of Distt., shall personally ensure that in all 448 IPC cases, the accused are arrested and the entire property kept by them in the trespassed premises is seized as case property as per due procedure of law after proper videography/photography.

7. The cases of harassment on the part of land-lord for compelling tenants to vacate their premises e.g. disconnection of water/electricity, violence, use of abusive language etc. should also be dealt on merits. In cases of dispute over vacant property action u/s 145/146 Cr. P.C. can also be initiated and property be sealed after bringing the facts in the knowledge of ACP/Sub. Div. and DCP concerned."

8. In cases where complaints regarding disputes between land-lords and tenants were made by either of the parties, they should be acted upon promptly as per the due procedure of law keeping in view the latest directions/guidelines issued by Hon'ble Courts from time to time. The police should not ordinarily visit houses (where such disputes exist) at night for enquiries unless there are urgent compelling reasons. The lady police officer should be made part of the police team in all cases where matters/disputes relate to women.

9. All Distt. DCsP will send to CRO, a monthly report of cases registered u/s 448 IPC during the previous months mentioning specifically whether any tenant or legal owner was evicted by trespassers/land-grabbers, who is investigating the cases, and the

progress of the cases. This Monthly report should also contain a brief note/action, if any taken against habitual grabbers/hired goondas etc. These monthly report will be compiled by DCP/CRO and put up before C.P. Delhi.

10. **SUPERSESSION CLAUSE**

This Standing Order supersedes the previous Standing Order No. 193/1990 issued vide No. 3380-3600/XXV/Spl/C&T/AC-V dated 31.01.1990.

11. **DISCLAIMER**

It is made clear that this Standing Order is exclusively for internal smooth functioning of Police Department.

Rakesh Asthana

(RAKESH ASTHANA)
COMMISSIONER OF POLICE:
DELHI. 21.3.2022

No. 12551-12700/Record Branch/PHQ dated Delhi, the 21/3/2022

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ(IV)/PHQ with the direction to upload the Standing Order on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
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