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LANDLORD DEVIANCE: A SOCIO-LEGAL STUDY OF CRIMINAL ACCOUNTABILITY IN RENTAL HOUSING

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I.INTRODUCTION

Housing is universally recognized as a fundamental human necessity and an essential precondition for the realization of a dignified life. In the Indian context, the right to shelter has been interpreted as an integral component of the right to life under Article 21 of the Constitution. Despite this recognition, access to safe, secure, and non-exploitative housing remains a persistent challenge, particularly within the rental housing sector.

The landlord-tenant relationship, though formally governed by civil law principles, is inherently characterized by an imbalance of power. Landlords, as property-owning individuals, occupy a position of economic and social dominance, while tenants often remain dependent on access to housing for their basic survival and livelihood. This asymmetry creates conditions in which exploitative practices may emerge and persist with limited resistance.

Within the framework of Criminology, such exploitative conduct can be understood through the lens of deviance, particularly when it involves a breach of legal norms or socially accepted standards of fairness. Traditionally, deviance has been associated with marginal or lower socio-economic groups; however, contemporary scholarship has expanded this understanding to include misconduct by individuals in positions of power. This is reflected in the concept of elite deviance, closely linked to the work of Edwin H. Sutherland, who highlighted how socially respected individuals may engage in unlawful or unethical acts within the scope of their occupational roles.

In this context, landlord deviance may be conceptualized as a form of elite class deviance, encompassing a range of practices such as illegal eviction, harassment, denial of essential services, excessive rent demands, and other coercive actions. While some of these practices are addressed under civil law, many possess elements that fall within the domain of criminal law, including intimidation, trespass, and exploitation.

However, a significant concern lies in the manner in which such conduct is treated within the legal system. Landlord misconduct is frequently categorized as a civil dispute rather than a matter warranting criminal accountability. This classification not only limits the scope of legal remedies available to tenants but also reduces the deterrent effect of the law. As a result, deviant practices often continue unchecked, reinforcing existing power imbalances and undermining the principle of housing justice.

This study seeks to critically examine landlord deviance through a socio-legal lens, with particular emphasis on the issue of criminal accountability. By analysing the intersection of legal norms, social structures, and power dynamics, the research aims to highlight the inadequacies of the current legal framework and advocate for a more robust approach to regulating landlord conduct.

II. BACKGROUND OF THE STUDY

The issue of landlord deviance must be understood against the broader backdrop of urbanization, housing scarcity, and socio-economic inequality. Rapid urban growth in India has led to an increased demand for rental housing, particularly among students, migrant workers, and lower-income groups. This growing dependence on rental accommodation has, in turn, intensified the power imbalance between landlords and tenants.

Historically, landlord-tenant relations in India have been governed by a combination of statutory provisions and customary practices. Legislations such as the Transfer of Property Act, 1882, and various State Rent Control Acts were introduced to regulate tenancy and prevent arbitrary eviction. However, these laws have often been criticized for being outdated, fragmented, and inadequately enforced. While they provide certain protections to tenants, they primarily operate within the domain of civil law, focusing on contractual obligations rather than addressing the broader issue of abuse of power.

In practice, numerous instances of landlord misconduct continue to be reported, ranging from unlawful eviction and harassment to discriminatory practices and denial of basic amenities. In some cases, landlords resort to coercive tactics such as cutting off water or electricity supply, threatening tenants, or entering premises without consent. More serious forms of exploitation, including economic coercion and sexual harassment, have also been documented, particularly affecting vulnerable groups such as women and migrant tenants.

Despite the gravity of these issues, landlord deviance has not received adequate attention within legal and academic discourse. One of the primary reasons for this neglect is the tendency to view such disputes as private or contractual matters, rather than as forms of deviance warranting public intervention. This perspective obscures the structural nature of the problem and limits the scope of legal accountability.

From a socio-legal standpoint, landlord deviance reflects deeper systemic issues, including inequality in access to resources, lack of tenant awareness, and inefficiencies in dispute resolution mechanisms. The absence of clear legal categorization of such conduct as criminal behaviour further exacerbates the problem, allowing landlords to operate with relative impunity.

In light of these concerns, there is a pressing need to re-examine landlord-tenant relations beyond the confines of traditional civil law and to consider the role of criminal law in addressing exploitative practices. This study is situated within this broader context and seeks to contribute to the evolving discourse on housing rights, legal accountability, and social justice.

III. STATEMENT OF THE PROBLEM

Although various laws regulate landlord-tenant relationships in India, there is a lack of effective mechanisms to address exploitative practices by landlords. Many instances of harassment, unlawful eviction, and coercion are treated merely as civil disputes, thereby limiting the scope of criminal liability.

This creates a situation where landlords are able to engage in deviant behaviour with minimal legal consequences. The absence of clear legal recognition of landlord deviance as a form of criminal misconduct raises concerns about tenant protection, access to justice, and the broader issue of housing rights.

IV. RESEARCH OBJECTIVES

1. To examine the concept of landlord deviance in rental housing
2. To analyse landlord deviance through a socio-legal perspective
3. To evaluate the existing legal framework governing landlord conduct in India
4. To assess the extent of criminal accountability for exploitative landlord practices
5. To suggest legal and policy reforms for effective regulation

V. RESEARCH QUESTIONS

1. What constitutes landlord deviance in rental housing?
2. To what extent do landlord practices amount to criminal behaviour?
3. Why does landlord deviance often escape criminal accountability?
4. Are the existing legal frameworks sufficient to address such practices?

VI. RESEARCH HYPOTHESIS

H_0 (Null Hypothesis): The existing legal framework governing landlord-tenant relations in India is adequate and effective in addressing landlord deviance, with sufficient provisions ensuring criminal accountability for exploitative practices.

H_1 (Alternative Hypothesis): The existing legal framework governing landlord-tenant relations in India is inadequate to effectively address landlord deviance, resulting in limited criminal accountability due to legal gaps, weak enforcement mechanisms, and structural power imbalances between landlords and tenants. What reforms are necessary to ensure tenant protection?

VII. SCOPE OF THE STUDY

The study focuses on landlord-tenant relationships within the Indian context, particularly in urban rental housing. It examines deviant practices by landlords that may involve elements of criminal conduct, such as harassment and illegal eviction. A limited comparative reference to other jurisdictions may be included to highlight best practices.

VIII. RESEARCH METHODOLOGY

The research adopts a doctrinal and socio-legal approach.

- **Primary Sources:** Statutes, case laws, constitutional provisions
- **Secondary Sources:** Books, journal articles, reports, online databases

- **Method:** Analytical and critical evaluation of legal provisions and practices.

IX. CHAPTERISATION

The study is divided into the following chapters:

Chapter 1: Introduction

Provides the background of the study, conceptual understanding of deviance, and outlines the research problem.

Chapter 2: Conceptual and Theoretical Framework

Examines the concept of deviance, elite deviance, and relevant sociological theories explaining landlord misconduct.

Chapter 3: Forms of Landlord Deviance

Analyses various forms of exploitative landlord practices, including illegal eviction, harassment, and economic exploitation.

Chapter 4: Legal Framework Governing Landlord-Tenant Relations in India

Discusses relevant civil and criminal laws, along with constitutional protections relating to housing and shelter.

Chapter 5: Criminal Accountability and Legal Gaps

Critically evaluates the extent of criminal liability for landlord deviance and identifies shortcomings in enforcement mechanisms.

Chapter 6: Comparative Perspective

Provides a brief comparison with other jurisdictions to identify effective regulatory approaches.

Chapter 7: Findings and Suggestions

Summarises key findings and proposes reforms to strengthen accountability and tenant protection.

Chapter 8: Conclusion

Concludes the study by reiterating the importance of addressing landlord deviance within a criminal accountability framework.



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