

Document #1424022

IRB – Immigration and Refugee Board of Canada

## Pakistan: Tenant registration systems, including implementation; whether authorities share information on tenant registration (2015-December 2017) [PAK106026.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Overview of Tenant Registration in Pakistan

Sources state that that the provinces of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh, as well as the Islamabad Capital Territory, have tenant registration systems in place (HRCP 15 Dec. 2017; Law office, Islamabad 14 Dec. 2017; Law office, Lahore 13 Dec. 2017).

Information on tenant registration systems in the territories of Pakistan (Azad Jammu and Kashmir, the Federally Administered Tribal Areas (FATA), and Gilgit-Baltistan) could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 1.1 Legal Framework

In correspondence with the Research Directorate, a representative of a Pakistani law firm in Islamabad stated that "[g]enerally speaking, any rent agreement between a tenant and a landlord is to be registered with the competent authorities in the Islamic Republic of Pakistan" (Law office, Islamabad 14 Dec. 2017). According to the same source, "[e]ach of the provinces have various laws and statutes that deal with [tenant] registrations" (Law office, Islamabad 14 Dec. 2017).

In correspondence with the Research Directorate, a representative of the Human Rights Commission of Pakistan (HRCP), an independent NGO that promotes human rights and provides legal aid and expertise to victims of human rights violations (HRCP n.d.), stated that "in all four provinces tenant registration is compulsory and is being strictly implemented" (HRCP 15 Dec. 2017). The representative from the law firm in Islamabad stated that "[a]ll the provinces have taken this issue seriously and implemented ordinances and acts to make tenants' registration mandatory" (Law office, Islamabad 14 Dec. 2017).

In correspondence with the Research Directorate, a representative of a Pakistani law firm in Punjab explained that

[t]hrough 2014 and 2015, all the provinces passed their own forms of Information of Temporary Residents Acts (called Restrictions of Rented Buildings (Security) Act in Khyber Pakhtunkhwa and Balochistan). The purpose of these laws was to curb the use of rented properties, hostels and hotels for terrorism and other crimes in each of the provinces; while the details differed for each, the essentials in all the acts were the same.

The most significant part of all of them - for tenants as well as landlords - is the provisions about providing information to the police about tenants or their guests:

1. In case of rented premises, it is the duty of tenant or landlord, or even the property dealer, to provide complete information about the tenant to the police, along with the tenancy agreement. If any of them does it, the others don't need to.
2. In the case of hotels, it is the duty of the owner or manager to provide the information to the police about their clients.
3. Hostels are obliged to keep a complete record of their tenants and guests, which may be inspected at any time by the police.
4. The Acts also give the police officers powers — after giving a reasonable notice — to inspect any rented premises, hostels, or hotels. (Law office, Lahore 13 Dec. 2017)

## 1.2 Authorities Responsible for Tenant Registration

According to sources, the police are responsible for regulating and collecting tenant information (HRCP 15 Dec. 2017; Law office, Islamabad 14 Dec. 2017; Law office, Lahore 13 Dec. 2017). The HRCP representative specified that "in Balochistan, in some districts Levies (paramilitary force) are responsible for performing this duty while in the rest of the province[,] information is collected and regulated by the Police department" (HRCP 15 Dec. 2017). The representative from the law firm in Punjab added that the Rent Registrar in Punjab also collects tenant information (Law office, Lahore 13 Dec. 2017).

The representative from the Islamabad law firm explained that

[in] the past, the person duly authorised and competent to regulate and collect tenant information has been the 'Rent Registrar/Controller' duly appointed by the Government under the said pieces of legislation. However, nowadays in addition to the Rent Registrar/Controller, the local police authorities have also been tasked with the responsibility to regulate and collect tenant information in

various parts of Pakistan. Within the Police, a police officer not below the rank of a Sub-Inspector is empowered to, subject to a reasonable notice, inspect a rented premises, hostel or hotel; and obtain necessary information from the relevant documents and persons including landlord, tenant, manager, guest or property dealer to ensure compliance with the law through spot inspections and local verifications. All district police officers are required to ensure strict tenant registration in their respective districts. (Law office, Islamabad 14 Dec. 2017)

### 1.3 Requirements and Procedures for Tenant Registration

According to the representative of the Law Office in Punjab,

A rent agreement has to be drafted and signed. Once that agreement has been drafted and signed, all that is required is that copies of National Identity Cards [NICs] of both the tenant and the landlord are taken to the nearest police station.

The requirements in Khyber Pakhtunkhwa [KP] and Balochistan, however, are slightly different. Not only are the particulars of the tenant and landlord needed, but also of two references who would identify the tenant. Their NICs need to be attached with the rest of the documents. Moreover, the particulars of male members above the age of fourteen living with the tenants are also required.

Police would also require two passport-size photos of the tenant, but they usually have arrangement for that at the Police station. (Law office, Lahore 13 Dec. 2017)

The Representative of the HRCP provided the following details regarding the requirements and procedures for tenant registration in Pakistan:

The landlord, the tenant or the manager, as the case may be, and the property dealer where the rented building is given through such company, shall provide [the] following information:

- a. Attested copy of the rent agreement;
- b.
  - i. Attested copy of the Computerized National Identity Card of the tenant;
  - ii. Attested copy of the Computerized National Identity Card of the landlord;
- c. Name and copies of the National Identity Cards with contact number of two references who identify the tenant;
- d. Particulars of the male members above the age of 14 years living or residing with the tenant. (HRCP 15 Dec. 2017)

Sources stated that that no direct fees are charged when registering a tenant (HRCF 15 Dec. 2017; Law office, Islamabad 14 Dec. 2017; Law office, Lahore 13 Dec. 2017). The representative at the law firm in Punjab added that "miscellaneous expenses like photocopying, attestation will incur nominal costs" (Law office, Lahore 13 Dec. 2017). However, the representative for the law firm based in Islamabad noted that

complaints by citizens, as reported in media, have been that the police authorities were taking advantage and asking for bribes to not delay the process unnecessarily and these bribes were supposedly in the amount of PKR 10,000 [C\$117] per application. (Law office, Islamabad 14 Dec. 2017)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 1.4 Enforcement of the Tenant Registration System

According to the representative of the law office in Islamabad,

[t]he tenant registration system is not widely implemented as such amongst the masses and only a few people who choose to register the tenancy agreements do so with the authorities. However, given the recent security situation, the police have been somewhat proactive in encouraging the citizens to register their tenant agreements, as there have been circumstances where action has been taken against the ‘violators’ in some instances without any prior notice.

...

There are various legal consequences for non-compliance in registering a tenant; these include imprisonment for up to (6) six months in Punjab and Sindh and up to (1) one year in KPK, as well as fines between PKR 10,000-100,000 [C\$117-C\$1,171] in Punjab and up to PKR 45,000 [C\$527] in Sindh. In the case of KPK, if there is a criminal act committed by the tenant and the police authorities suspect, in the case of reasonable grounds, and finds that the landlord or the manager or the property dealer was aware of the criminal designs of the tenant and due care was not exercised in verification of the credentials of the tenant, then he/she could be charged for the abetment of the offence committed by the tenant.

The penalties are imposed and violators are strictly prosecuted; in fact, the media has reported that the police have filed cases against violators without prior notice. Hence, there are legal consequences and they are enforced; however, much of it depends on the authorities and whether they choose to prosecute or not. (Law office, Islamabad 14 Dec. 2017)

The HRCF representative similarly stated the following:

Police conduct raids and arrest people who fail to comply with the tenant registration system ... In Balochistan and Khyber Pakhtunkhwa, the punishment for the non-compliance varies from a few days to one year of imprisonment, in some cases coupled with a fine. In Sindh, the accused shall be punished with imprisonment, which may extend to six months and a fine

which shall not be less than ten thousand Pakistani rupees or more than 45,000 rupees [C\$500]. In Punjab, the accused shall be liable to punishment of imprisonment which may extend to six months and a fine which shall not be less than 10,000 rupees or more than one hundred thousand rupees. (HRCP 15 Dec. 2017)

Similarly, the representative from the law office in Lahore stated that “[n]on-registration has led to the filing of criminal charges against both tenants and landlords particularly in the KP Province” (Law office, Lahore 13 Dec. 2017). The same source added the following with regards to enforcement of tenant registration by the police:

While far from complete [tenant registration] is gradually being implemented with greater conviction and regularity by the Police authorities. Punjab and KP provinces lead in implementation with the KP province having registered criminal charges for non-registration of tenants in the thousands. There has also been a well-publicized crackdown in Lahore, the capital of Punjab. Sindh is in the early stages through introduction of software at 21 hotels for monitoring to be enlarged upon a successful demonstration. Balochistan remains unknown with not many figures available. (Law office, Lahore 13 Dec. 2017)

The Lahore law office representative added the following with regards to differences in enforcement between rural and urban areas:

These tenant laws are fairly new and the Police have been slowly and gradually improving enforcement. While the literal law does not distinguish between urban and rural areas being applicable to both, to the best of our knowledge enforcement has, to date, only been done in the urban areas, as the intent behind the Tenant Registration laws was counterterrorism and terrorists have mostly been found in urban areas. (Law office, Lahore 15 Dec. 2017)

According to the representative of the law office in Islamabad, lapses in the tenant registration system include:

- a. The neglect of the government to educate the masses about this serious change that can put many citizens at the risk of noncompliance only because of the general lack of awareness of the requirements;
- b. The inability of the police stations to manage tens of thousands of applications with the limited personnel and computer devices available to them. (Law office, Islamabad 14 Dec. 2017)

## 2. Tenant Registration by Province

### 2.1. Balochistan

The Balochistan Restrictions of Rented Buildings (Security) Act of 2015 has been attached to this Response (Attachment 1).

A February 2017 article published in *Dawn*, a Pakistani English-language daily newspaper, states that due to terrorism concerns, a security plan has been prepared for the provincial capital of Quetta which involves "a ban on residing in mosques, seminaries, schools and government buildings which are required to get themselves registered with the police station concerned. Registration of tenants has been made mandatory" (*Dawn* 20 Feb. 2017).

## 2.2. Islamabad Capital Territory

A December 2014 article published by *Pakistan Today*, a Pakistani English-language daily newspaper, indicates that "owners of property including owners of homes, hotels, motels and guest houses should provide complete details of their tenants to relevant police stations before putting properties on rent" (*Pakistan Today* 29 Dec. 2014). The article adds that police "have adopted a very simple procedure" to collect information, and police stations have two registers for the information: "[i]n one register particulars of property owners and in the other particulars of tenants are being noted. Both the property owners and tenants will be provided a registration number after receiving their particulars" (*Pakistan Today* 29 Dec. 2014). The article states that tenant information is being taken to "ensure [the] safety of citizens" and that "legal action will be taken against those property owners who will not provide particulars of their tenants" (*Pakistan Today* 29 Dec. 2014).

A June 2017 article published by *The Express Tribune* indicates that the Islamabad police have "launched an online registration system for tenants and landlords to register themselves" that can be accessed through the Islamabad police website (*The Express Tribune* 2 June 2017). Submitting the following information is required: "[c]omplete details of the property including the sector, type (choice of residential, commercial, agricultural and industrial). Details of the rental agreement including its duration and an option to upload the relevant documents [as well as] details of the make and model of [their] car" (*The Express Tribune* 2 June 2017). The article also states that the form "is equally applicable for Pakistani citizens as well as foreigners," but notes that "the police have not strictly enforced tenancy regulations in the capital ... [though] every property dealer is required to submit details of the tenants who acquire properties through them" (*The Express Tribune* 2 June 2017).

The representative of the law firm in Islamabad provided the following details regarding the process for tenant registration through the website of the Islamabad police:

- Computerized National Identity Card (CNIC) or Passport to ascertain identification;
- Duration of the tenancy agreement;
- Type and sector of premises rented;
- Name of property dealer (optional);

- Option to upload rental agreement. (Law office, Islamabad 14 Dec. 2017)

A screen capture of the online registration system for tenants and landlords (Attachment 2), and a sample of the online registration form (Attachment 3), are attached to this Response.

### 2.3. Khyber Pakhtunkhwa

The Khyber Pakhtunkhwa Restriction of Rented Buildings (Security) Act of 2014 has been attached to this Response (Attachment 4).

In correspondence with the Research Directorate, the representative of the law firm in Islamabad stated the following:

In KP, the in-charge of the local police station, after being satisfied with the information received, issues a tenant acknowledgement receipt (TAR) and also makes an entry in the Daily Diary maintained in the police station. Further, the in-charge of the local police station is responsible to maintain the records of all rented buildings and tenants, falling in the jurisdiction of such police station and it is to prepare a computerized database for such rented buildings.

...

In KP, the following documents are required:

- Attested copy of the rent agreement (reduced in writing into a legal document);
- Attested copy of National Identity Card of tenant;
- Names and copies of the National Identity Cards with contact number of two references, who identify the tenant; and
- Particulars of the male members above the age of fourteen years living or residing with the tenant. (Law office, Islamabad 14 Dec. 2017)

According to a February 2017 article published in *Dawn*, acquiring a Tenant Acknowledgment Receipt (TAR), mandatory in KP, can be a difficult task for residents; the articles adds that

[w]hile the law is clear that it is the responsibility of the owner to get the TAR, the owners and property dealers have very conveniently shifted their responsibility to the tenants. The ultimate sufferer under this law is the tenant[,] as the local

police have frequently been raiding residences and asking for the TAR and in case of non-possession of the receipt a tenant is arrested and subsequently fined by the concerned magistrate. (*Dawn* 27 Feb. 2017)

The article adds that

Instead of following [the provisions of the law], the police have been arresting tenants and not the landlords, lessees or managers. Raids are conducted without accompanying the landlords. Similarly, instead of providing 24 hours to the tenants to provide the TAR they are arrested forthwith in blatant violation of the law. (*Dawn* 27 Feb. 2017)

The article also states that tenants need to repeat the entire process of submitting a Tenant Information Form (TIF) and acquiring a TAR each time they relocate (*Dawn* 27 Feb. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A sample of the Tenant Information Form (TIF) (Attachment 5) and a sample of the Tenant Acknowledgement Receipt (TAR) (Attachment 6), are attached to this Response.

#### 2.4. Punjab

The Punjab Information of Temporary Residents Act of 2015 is attached to this Response (Attachment 7).

The representative of the law firm in Punjab stated the following:

There is an additional mechanism in Punjab through “The Punjab Rented Premises Act, 2009” which requires that Tenant Agreements be registered with the Rent Registrar. This is a paper based system requiring entry in a register.

...

Besides the filing of criminal complaints in Punjab, the Rent tribunals created under the The Punjab Rented Premises Act 2009 will not entertain an application on a rent matter:

- a. on behalf of the tenant, unless he deposits a fine equivalent to five percent of the annual value of the rent of the premises in the Government treasury; and
- b. on behalf of the landlord, unless he deposits a fine equivalent to ten percent of the annual value of the rent of the premises in the Government treasury. (Law office, Lahore 13 Dec. 2017)

The representative of the law firm in Islamabad stated the following:

Recently, in Punjab, the process for registered property owners to register their tenants has been made accessible online through <https://www.punjabpolice.gov.pk/tenants>, whereby one details information about the property including address and various details about the tenants including details of the minors, complete with photographs.

The manual process has been criticized by citizens as cumbersome and requiring long waiting periods in lines outside the police station, only to be sent back and forth. The police, however, have claimed this tediousness of procedure is due to the citizens being casual and not bringing the requisite documents.

Apparently in Punjab (with the exception of Islamabad), an oath signed by the tenant on official stamp papers is required. (Law office, Islamabad 14 Dec. 2017)

A February 2015 article by the Associated Press of Pakistan (APP) newswire service states that police in Rawalpindi (Punjab) have "registered cases against 38 hotels and property owners for not providing their tenants record[s] to the police"; as police intensified the campaign against non-registration, real estate agents and hotel managers "have complained that police have not established proper data collection desks at the police stations. They said they were willing to cooperate with the police but demanded that police [also] facilitate them in the registration process" (APP 1 Feb. 2015).

According to the article, "[u]nder the law, details of new tenants must be provided to the police station within 24 hours of giving possession of the property" (APP 1 Feb. 2015). The article also states that "[h]otel and guest house administrations are bound under the law to provide details to the police within three hours of check-in time. Property dealers are to submit the information about the deals to the police within 48 hours" (APP 1 Feb. 2015).

A December 2015 article published by *The Nation*, a Pakistani English-language daily newspaper, indicates that Lahore police asked the Punjab government to amend the law to help police develop an organised system "to make the process of tenants' registration simpler and trouble-free" (*The Nation* 9 Dec. 2015). The article further states that:

Under the Punjab Information of Temporary Residence Ordinance 2015, police in Lahore are carrying out massive security sweeps in hostels, hotels, inns, guesthouses, and rented apartments besides checking the particulars of tenants. This exercise was launched early this year as part of the National Action Plan to hunt down militants and criminals.

Lahore police have arrested some six thousand persons including landlords, tenants, property dealers, owners, and managers of private accommodations for violating the tenant laws since January. (*The Nation* 9 Dec. 2015)

An October 2016 article published by *The Nation* indicates that the PITB helped develop a software for tenant registration in Lahore that is planned to be replicated across the province of Punjab, though "[s]everal police stations in Lahore are still working on [a] manual system" (*The Nation* 10 Oct. 2016).

## 2.5. Sindh

The Sindh Information of Temporary Residents Act of 2015 is attached to this Response (Attachment 8).

An April 2015 article published by *Dawn* indicates that the Sindh Assembly unanimously passed the Sindh Information of Temporary Residents Bill 2015 (*Dawn* 14 Apr. 2015). The same article provides the following information in regarding the Bill:

Under the new law, failing to provide information to police about a tenant within 48 hours from the time of delivery of possession of the rented premises would be a cognizable and non-bailable offence and liable to be imprisonment up to six months and fine from Rs10,000 to Rs45,000.

...

Under the bill, not only landlords, property dealers and tenants but also the owners and managers of hostels and guest houses would be liable to the same punishment if they fail to provide information about their guests/tenants.

The time limit for the hotels/guest house and hostel is three hours from the time of arrival or check-in of a guest in the prescribed manner through the latest means of communication.

In the hostels of organisations or institutions a person, not being student or staff, shall not stay at the hostel without prior permission in writing of the manager.

The new law also asked landlords, managers or property dealers to not allow any tenant or guest to stay at the rented premises, hostel or hotel unless they are satisfied about their identification on the basis of their computerised national identity card (CNIC) or passport.

The managers/landlords/property dealers shall also obtain a copy of the CNIC or passport of the tenant or the guest and shall provide such copy to the police at the earliest.

The police shall maintain a database of all the tenants and guests by categorising them in the prescribed manner and conduct analysis of the data for prevention, detection and investigation of offences.

...

A police officer not below the rank of sub-inspector may, subject to a reasonable notice, inspect a rented premises, hostel or hotel and obtain necessary information from the relevant documents and persons including landlord, tenant, manager, guest or property dealer.

The police shall ensure compliance of this act through spot inspections and local verifications. (*Dawn* 14 Apr. 2015)

### 3. Access to Tenant Registration Information and Police Communications

The representative of the law firm in Punjab stated that "[t]he respective Provincial Police forces would have access [to tenant information] as registration is done through them" (Law office, Lahore 13 Dec. 2017). The representative of the HRCP similarly stated that "the Police department of each province has access to the tenant information of its province. It is stored in an electronic database. It is shared beyond the province when need be" (HRCP 15 Dec. 2017). The representative of the Islamabad law firm also stated that

[i]t is mainly the Police and the Rent Registrar/Controller who have access to [tenant] information by virtue of registration; however, this information could be shared beyond the province or territory with other law enforcement or government agencies if deemed necessary. In the case of Rent Registrars/Controllers, this information is not stored electronically but is [normally] kept in manual registers .... Whereas, the Police authorities register and store this information electronically in a computerised database where the online registration system is in place and is implemented. (Law office, Islamabad 14 Dec. 2017)

An April 2017 article published by *Pakistan Today*, regarding the digitization of Punjab Police processes, stated the following regarding the Tenant Registration System in Punjab:

Any person who takes a home on rent has to register himself/herself at the nearby police station in the TRS. Once registered, the system immediately matches it to the database to check if the tenant has a previous criminal record, is of schedule-4, [has] any FIRs registered against him/her, [or] is an offender. Details of his/her driving license (if any), registered vehicles on his/her name and any mobile SIMS registered on his name are shown immediately. (*Pakistan Today* 15 Apr. 2017)

The Lahore law office representative explained that police communicate with police in different provinces to find persons of interest "and there is wide interaction between Police forces" (Law office, Lahore 13 Dec. 2017). According to the HRCP representative, "the police can locate an individual in a different province through the tenant registration database or through NACTA (National Counter Terrorism Authority)" (HRCP 15 Dec. 2017). The representative from the Islamabad law office similarly stated that

[it] is possible for the police to locate an individual in a different province through the tenant registration; however, they would need some prerequisites such as his/her name, address, Identity Card number and so on to check against the registrations, but it is quite a tedious task. (Law office, Islamabad 14 Dec. 2017)

The representative of the law office in Lahore also stated that

[w]hile the Punjab and KP Police have located individuals in their own provinces, the normal processes of provincial Police assisting the other in criminal related matters is long standing and Police forces generally oblige each other. (Law office, Lahore 13 Dec. 2017)

The same source added that

[w]e cannot, however, say with certainty that Police from another province would be able to trace an individual.

The additional tenant registration system "The Punjab Rented Premises Act, 2009" in Punjab is manual and therefore it is highly unlikely to assist in tracking.

...

Permission can be sought from the local Magistrate in the other province to arrest and bring an individual back to the province where the crime was originally committed. (Law office, Lahore 13 Dec. 2017)

According to the representative from the Islamabad law office,

the police authorities do communicate with the police in different provinces to find persons of interest if required. However, this usually takes place in high profile cases and not just any case. Nevertheless, the police authorities only tend to do so if absolutely necessary. (Law office, Islamabad 14 Dec. 2017)

The same source added that

police of a specific District or Province can follow an individual to another province for the purposes of arrest and there is a specific procedure. This usually takes place by the police authorities seeking arrest by exercising an administrative procedure, whereby the requesting police authorities write to the Home Secretary/Affairs Department of their own province stating the reasons for arrest, the Home Secretary then writes to his/her counterpart in the province where the arrest is sought who then writes to the concerned police authorities in that areas of jurisdiction and it is only then that the police authorities requesting such a permission then accompany the police authorities of that province where the arrest is to be made for the purposes of locating and/or arresting an individual. (Law office, Islamabad 14 Dec. 2017)

The HRCP representative similarly explained that

[t]he laws relating to tenant registration are only applicable in their respective provinces but in case of necessity, the police can communicate with police in different provinces under the Code of Criminal Procedure (Act No. V of 1898) to find the person of interest ... The police can follow an individual to another province to arrest him/her and Pakistan Penal Code (PPC) and Criminal Procedure Code (Act No. V of 1898) are followed for this purpose. (HRCP 15 Dec. 2017)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

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## Additional Sources Consulted

**Oral sources:** Azad Jammu Kashmir – Government, Police; Balochistan – Ombudsman, Police; Citizens Police Liaison Committee; Consultant on Human Rights in South Asia; Gilgit-Baltistan – Government, Police; Islamabad Police; Khyber Pakhtunkhwa – Ombudsman, Police; Legal Firms (Seven); Pakistan – High Commission in Ottawa; Punjab – Ombudsman, Police; Sindh – Ombudsman, Police; Society for Migration Studies, Pakistan; Transparency International.

**Internet sites, including:** Amnesty International; Azad Jammu Kashmir – Government Web Portal, Assembly Web Portal; Balochistan – Government Web Portal, Police Web Portal; BBC; CNN; ecoinet; Factiva; Gilgit-Baltistan – Government Web Portal, Police Web Portal; Human Rights Watch; Khyber Pakhtunkhwa – Government Web Portal, Police Web Portal; *Pakistan Observer*; Punjab – Government Web Portal, Police Web Portal; Sindh – Government Web Portal, Police Web Portal; South Asia Terrorism Portal; Transparency International; UN – Refworld; US – Department of State; Zameen News.

## Attachments

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### ecoi.net summary:

Query response on tenant registration system (2015 - December 2017)



### Country:

Pakistan

### Source:

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