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Titel:	India: Databases, including the tenant registration (or tenant verification) system, the Crime and Criminal Tracking Network and Systems (CCTNS), National Automated Fingerprint Identification System (NAFIS), and POLNET; police access to these databases and their ability to track individuals; cases of individuals being tracked by the police using police consultation and relationship to police databases requirements in Bengaluru [Bangalore], Chennai, Delhi, Hyderabad, Kolkata, Ludhiana, Mumbai, and Thiruvananthapuram (2021-May 2023)
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India: Databases, including the tenant registration (or tenant verification) system, the Crime and Criminal Tracking Network and Systems (CCTNS), National Automated Fingerprint Identification System (NAFIS), and POLNET; police access to these databases and their ability to track individuals; cases of individuals being tracked by the police using these databases; surveillance by state authorities; tenant registration, including police consultation and relationship to police databases requirements in Bengaluru [Bangalore], Chennai, Delhi, Hyderabad, Kolkata, Ludhiana, Mumbai, and Thiruvananthapuram (2021–May 2023) [IND201491.E]

Research Directorate, Immigration and Refugee Board of Canada

This Response replaces Response to Information Request IND201036 of June 2022.

1. Communication and Information Sharing Between Police Offices Across States and Union Territories (UTs)

In correspondence with the Research Directorate, a lawyer with the Delhi High Court stated that police departments typically communicate with one another through the use of wireless messaging, such as text

messaging and email, and in "urgent cases, phone or fax is used" (Lawyer 2016-04-10). In correspondence with the Research Directorate, an assistant professor with the Centre for Criminology and Sociolegal Studies at the University of Toronto, who has conducted research on policing in India, stated that communication methods such as fax, phone, email and databases "may be used to varying degrees by various departments," however, to her knowledge, "there is little inter-state police communication except for cases of major crimes like smuggling, terrorism, and some high profile organised crime" (Assistant Professor 2016-04-14). In correspondence with the Research Directorate, an associate professor in the Department of Criminal Justice at Indiana University, whose research areas include criminal justice policy issues and the Indian police, and who has worked with India's National Crime Record Bureau (NCRB), stated that "[i]nformation about persons of interest is not recorded into the CCTNS but in classified databases" (Associate Professor 2018-05-16). According to the same source, "[p]olice surveillance databases are classified and not shared across states; concerned officers can seek information through normal official channels" (Associate Professor 2018-05-16).

In correspondence with the Research Directorate, a US-based professor of sociology, who specializes in criminology and criminal justice and program evaluation and who has written on crime and justice in India, indicated that

[s]ome tech-savvy officers and the local agencies they lead [use the CCTNS to record information on persons of interest], while others may not be familiar with the system or too set in their ways. Rather than using online resources, the latter are likely to contact police in cities and villages where the persons of interest may be suspected of having gone to by phone or by deputing an officer to travel there. (Professor of sociology 2018-06-15)

According to the Associate Professor, the "[t]racking of persons of interest is difficult and police have a mixed record of success" (Associate Professor 2018-05-16).

In a telephone interview with the Research Directorate, a US-based professor of political science, who specializes in the contemporary politics of South Asia and has published on India's national security, stated that

[i]f they put their minds to it, police authorities in India are able to track and locate persons of interest, depending on the heinousness of the crime and the pressure received from political authorities. For example, it is possible [for them] to locate a person of interest in cases of rape, murder or armed robbery. Social class also plays a vital role: the likelihood of prosecution is much greater if a case involves the murder of a politician's daughter versus the murder of a slum dweller. (Professor of political science 2018-05-15)

A December 2020 country information report on India by Australia's Department of Foreign Affairs and Trade (DFAT) states that "India does not have a centralised registration system in place to enable the police to check the whereabouts of inhabitants in their own state, let alone in any of the other states or [UTs]" (Australia 2020-12-10, para. 5.39). The same source indicates that "state police do not have sophisticated online databases to track offenders; such work would be done manually" and that "[i]n general, there is a good degree of cooperation between state police services" (Australia 2020-12-10, para. 5.11). Hanif Qureshi, the Inspector-General of Police in the state of Haryana, states that India does "not have any national data[b]ase of criminals or gangs against which suspects can be identified" (Qureshi 2020-01-09). The same source further indicates that police systems between districts and states are not integrated, creating "[i]slands of technology" which can only communicate within a state or district (Qureshi 2020-01-09). Qureshi notes, for example, that a police officer issuing a traffic ticket would not be aware of the individuals' traffic violation history in other states, and "mostly [not] even within the state" (Qureshi 2020-01-09).

In contrast, in March 2022 India's Union Home and Cooperation Minister stated that 16,390 police stations nationwide "have been connected on CCTNS" (India 2022-03-11). A March 2022 article by the *Hans India*, an English daily newspaper published in Andhra Pradesh, New Delhi and Telangana (*The Hans India* n.d.), notes, however, that the Home Minister "expressed his displeasure that the central police agencies have not been so far connected to CCTNS" (*The Hans India* 2022-03-11). The Union Home and Cooperation Minister added that agencies including the "Central Bureau of Investigation (CBI), the Narcotics Control Bureau (NCB) and the National Investigation Agency (NIA) "are still not connected with it" (India 2022-03-11).

According to the 2019–2020 annual report by the Ministry of Home Affairs (MHA), the initiative behind CCTNS is being implemented by the MHA's NCRB (India [2020], para. 14.4). An article by the *Indian Express*, an Indian English-language newspaper, reports that CCTNS was launched in 2009 "with the aim of establishing seamless connectivity among 15,000 police stations across the country" (*The Indian Express* 2015-11-20). According to a NCRB newsletter for October-December 2022, as of 1 December 2022, "[n]etwork [c]onnectivity" is available at 16,388 police stations out of 16,440 police stations in India (99.7 percent) (India [2022-12], 13). The same source states that CCTNS software has been "deployed" at all 16,440 police stations in India (100 percent) (India [2022-12], 13). The newsletter also indicates that 35 out of 36 states and UTs offer "[s]tate [c]itizen [p]ortal [s]ervices" (India [2022-12], 13). The 2022 NCRB newsletter states that 69 percent of police stations possess the "[t]echnical [s]etup" for "handling CCTNS" (India [2022-12], 13). The same source adds that 98 percent of police station personnel have been "trained for CCTNS" (India [2022-12], 13). A March 2023 opinion article by Bibek Debroy, chairman of

the Economic Advisory Council to the Prime Minister of India, indicates that although a national average of 97 percent of police stations have been connected to CCTNS, there remains variation in connectivity from one region to another, including Bihar state which reports zero percent of legacy data migration to the CCTNS, and adds that this variation is attributable to reasons including understaffing (Debroy 2023-03-16). Debroy adds that this variation means that regardless of the functional capacity of the CCTNS tool, the national "benefits will fall short" of authorities' objective of achieving "one police" for the entire country (Debroy 2023-03-16).

A December 2020 report on CCTNS by the NCRB indicates that a digital police portal was launched on 21 August 2017 and that this portal enables searches for a "criminal/suspect" in a national-level CCTNS database (India Dec. 2020, 15). According to the Pragati Dashboard of 1 January 2022, 94 percent of police stations are able to conduct searches in the national database (India 2022-01-01, 3). Information published by the MHA in its Women Safety Division Newsletter reports that 99 percent of police stations are registering 100 percent of First Information Reports (FIRs) in CCTNS (India [June 2021], 5). For information on FIRs, including whether FIRs are entered in CCTNS, see Response to Information Request IND200628 of June 2021.

According to the Pragati Dashboard of 1 January 2022, in 2021 a total of 6,334,562 FIRs were registered using CCTNS software (India 2022-01-01, 14). The same source adds, however, that the total number of logins for the Cri-MAC (Crime Multi-Agency Centre) application on CCTNS, which includes information on "[r]ecently occurred important crimes" such as "[m]ajor [h]einous [c]rimes" and on "[n]otorious [c]riminals ([a]rrest/[w]anted)" (India 2020-12, 51), was 54,900 since the launch of the service (India 2022-01-01, 60). In correspondence with the Research Directorate, the Executive Director of the South Asia Terrorism Portal (SATP) and the Institute for Conflict Management (ICM) [1] observed that the number of Cri-MAC logins is low when compared to the number of FIRs registered (Executive Director 2022-05-06).

The SATP Executive Director stated that according to available data the current status of Indian police authorities' ability to track individual citizens across different cities or states using police databases is "mixed" (Executive Director 2022-05-06). The same source added that "the emphasis of publicly available data ... is on connectivity and compliance, not utilization," and noted that there is no available data indicating "the frequency" with which investigators access the CCTNS database, the regional distribution of police station searches on the database, or the "utility" of authorities' CCTNS access to their investigations in practice (Executive Director 2022-05-06).

The SATP Executive Director stated that available data indicates that CCTNS software is being used increasingly in the filing of FIRs (Executive Director 2022-05-06). The same source added that a "backlog" of "complaints" registered under the CCTNS citizen portal is emerging (Executive Director 2022-05-06).

The MHA Women Safety Division Newsletter states that 1,421,000 searches have been conducted on the CCTNS National Police Database on Crime and Criminals (India [June 2021], 1). The SATP Executive Director indicated that this is a figure "suggesting a very low level of actual utilization" (Executive Director 2022-05-06).

2. Communication Mechanisms and Initiatives

The information in this section was provided in a December 2020 Delhi High Court decision:

Between July and October 2020, the State Crime Records Bureau (SCRB), Delhi submitted multiple reports to the High Court concerning an individual accused of a crime; after the initial report did not list any additional criminal activity on the individual's record, subsequent reports – which were based on different police database search parameters – revealed that the individual was connected with three crimes.

Delhi's Deputy Commissioner of Police (DCP) stated that "there are inadequacies in the system," and indicated that "the result of [a] search conducted by an [i]nvestigating [o]fficer and the efficient use of the existing systems is completely dependent on the calibre and intelligence of the [i]nvestigating [o]fficer and the result depends on the search parameters/text entered". The DCP described the following process through which crime records of "accused [people]/convicts" are maintained at police stations:

1. ... records of criminal involvement are maintained in the Village Crime Register/Note Book, which is Register No. IX (Register No. 9) kept at every police station as per the provisions of the Punjab Police Rules 1934 (cf. Rule 22.59). ... these records are maintained at the police station where an FIR is registered against an accused [and] also in the police station where the accused has [their] permanent and present place of residence;
2. ... Investigating Officers also prepare dossiers of persons implicated in certain categories of offences, which are now also maintained on-line;
3. There is also the [CCTNS] ... ;
4. And there is the Criminal Attributes Database (CADB) which contains fingerprint records cross-referenced and linked with other particulars, including name, parentage and address of persons involved in crimes, which is maintained by the Central Finger Print

Bureau (CFPB)]. This court is further advised that since any text based search cannot trace criminal involvement of the same person arrested with different names/identities, the solution to this problem is the digitised finger printing system, which is available through the Criminal Remote Identification System (CRIS) and the Automated Fingerprint and Palm-print Identification System (AFPIIS), which provide biometric identification of persons; and it is submitted that every police station has been provided with a single digit scanner to effect a query against the fingerprints database;

5. There is also the Crime Criminal Information System (CCIS) in which crime records were maintained earlier; but [updating this] database has now been discontinued in a phased manner. This database however still contains old records and may therefore be accessed to obtain archival records relating to persons.

The DCP further noted that "a thorough search of [a person's] criminal involvement" is available at the web-portal, conviction.delhipolice.gov.in, which grants investigating officers access to five databases. The DCP added that work is underway to complete the "already functional" Interoperable Criminal Justice System (ICJS) database, which will provide a "complete, comprehensive and updated status" of every pending court case against an individual.

The Delhi High Court directed that investigating police officers preparing a SCRB report for the court must search an accused person's existing records across each of the following databases: the CCIS, the online criminal database maintained by the police, the CADB, the CCTNS, Register No. IX maintained at police stations, and the ICJS (India 2020-12-16, para. 4-6, 13, 17, 18, 19, 20, 22, 24).

2.1 CCTNS

The December 2020 NCRB report indicates that CCTNS was launched by the MHA in 2009 (India 2020-12, 3). A November 2015 article by the *Indian Express* reports that CCTNS was launched in 2009 and that its implementation "entailed digitisation of data related to FIRs registered, cases investigated, and chargesheets filed in all police stations, in order to develop a national database of crime and criminals" (*The Indian Express* 2015-11-20). According to the MHA's annual report for 2019-2020, CCTNS was an expansion of the Common Integrated Police Application (CIPA), which aimed to "computeriz[e]" data at police stations in India; CCTNS "sought to interconnect all police stations and higher police offices for collecting and sharing information on crime and criminals on a common platform" (India [2020], para. 14.2). The same source notes that,

since 2015, the scope of the CCTNS project was extended beyond establishing a national database of crime and criminal records to [the]

establishment of [the ICJS] by integrating data from prisons, courts, prosecution, forensics, police and fingerprints. (India [2020], para. 14.5)

In a 2015 article, *India Today*, a news magazine, reported that "CCTNS had its origins" in POLNET [2] (*India Today* 2015-11-25). According to the source, POLNET "never took off" (*India Today* 2015-11-25). According to sources, the initial deadline for completing the CCTNS project was 2012, which was then extended to 2015 (*The Indian Express* 2015-11-20; *India Today* 2015-11-25; *Governance Now* 2016-01-18).

2.1.1 Capacity to Track Persons Through CCTNS

The December 2020 NCRB report notes that while CCTNS is a "centrally developed software" and has been introduced across India, there is "considerable" difference in versions and structure across states, particularly in "advanced" states [3], such as Gujarat, Karnataka, Andhra Pradesh, Telangana, and Tamil Nadu (India 2020-12, 36). The SATP Executive Director stated that "[s]ome states," including Bihar, are "lagging" in terms of their police stations registering FIRs on CCTNS (Executive Director 2022-05-06). In a follow-up correspondence with the Research Directorate, the professor of political science provided the following information regarding the recording of FIRs in the CCTNS:

FIRs are supposed to be recorded in the CCTNS. Whether and how they are actually recorded depends on the professionalism of the police station and its capacity, which can vary from state to state. There is great disparity between the efficiency of police stations from state to state, for example, between Maharashtra and Uttar Pradesh – the latter state includes parts that are poorly governed. While all police stations in India are supposed to be equipped with computers, this is not always the case. There are days when the electricity is gone, which prevents the recording of complaints in the electronic database. As such, across India, FIRs are not entered systematically or uniformly into the CCTNS. (Professor of political science 2018-05-16)

Likewise, the professor of sociology stated that

the overall goal of the CCTNS [is for all FIRs across India to be recorded in the CCTNS]. However, it is highly idiosyncratic as to what actually gets done. ... Thus, there is no systematic way to figure out which crimes are likely to be transferred to the CCTNS and which are not. (Professor of sociology 2018-06-15)

The Pragati Dashboard of 1 January 2022 indicates that 69 percent of "the [t]echnical [s]etup for handling CCTNS" is in place, 85 percent of data from police stations across India is synchronized with CCTNS data "on [the] same day/immediately" and 88 percent is synchronized within seven days (India 2022-01-01, 2, 29). The same source notes that 93 percent of "[l]egacy [d]ata [m]igration" has been completed (India 2022-01-01, 2). The

same source also states that photographs of 62 percent of arrested/missing persons have been entered into CCTNS (India 2022-01-01, 3). According to the same source, CCTNS is now "live" in 32 states/UTs and "partially live" in 2 states/UTs, while Bihar and West Bengal have not yet declared a "[g]o-live date" (India 2022-01-01, 3).

According to Qureshi, CCTNS is available only through desktop computers, not through mobile platforms, except for "a few exceptions in some states" (Qureshi 2020-01-09). A 2019 joint report on policing in India by Common Cause [4] and the Lokniti Programme for Comparative Democracy (Lokniti) at the Centre for the Study of Developing Societies (CSDS) [5] indicates that, according to a survey conducted among "close to" 12,000 police "personnel of all ranks," across 21 Indian states and various social groups, 68 percent of police reported that they "[a]lways" have access to a working computer at their workplace and 55 percent reported that they "[a]lways" have access to functioning CCTNS software (Common Cause & Lokniti 2019, 12, 44, 70–71). The same source further notes that the states which report the most access to functioning CCTNS are Chhattisgarh, Telangana and Punjab, while Bihar, West Bengal, and Assam report the lowest access to functioning CCTNS at the workplace (Common Cause & Lokniti 2019, 71). A September 2020 article by the *Indian Express* reports that CCTNS was not "effective" in linking all police stations in Maharashtra state and that, according to an official from the MHA, police stations were not able to view pending cases from other police stations "due to some technical issues" (*The Indian Express* 2020-09-22).

The MHA annual report indicates the ICJS system can be used to search for an "accused" individual in police, prison, and court databases (India [2020], para. 14.5). The same source notes that ICJS "is being actively implemented in all the States/UTs" (India [2020], para. 14.5).

The MHA Women Safety Division Newsletter states that "a unique WebApp UNIFY" uses a "[m]achine learning model" to allow police to search photographs of missing persons, criminals, and unidentified bodies of the deceased against CCTNS's national photograph repository (India [2021-06], 5).

2.1.2 CCTNS State-Level Function and Deployment

Sources indicate that CCTNS is separated into central and state components (*Governance Now* 2018-06-23; *Express Computer* 2016-02). The central component is responsible for hosting data from across the country in a National Data Centre (NDC) and providing a Core Application Software (CAS) for capturing data (*Governance Now* 2018-06-23; *Express Computer* 2016-02), which allows for a searchable national database (*Governance Now* 2018-06-23). According to a February 2016 article in *Express Computer* magazine [6], each state or UT has its own data centre, called the State Data Centre (SDC), to which its police stations are

connected; in turn, data from the SDCs is uploaded to the NDC (*Express Computer* 2016-02). In May 2021 correspondence with the Research Directorate, the Executive Director similarly stated that each state or UT has its own CAS, known as "CAS (State)" and further noted that "CAS (Centre) is maintained by the NCRB as the national database" and is used to facilitate information exchange among states/UTs and between states/UTs and the central government (Executive Director 2021-05-11). An MHA memorandum dated 30 November 2015 and issued to all states and UTs indicates that, per "guidelines," all states/UTs "need to share data" with the NDC and that "[o]nly" those that do so will be able to access the national database and "related reports"; this enables "real time" searches and queries of national crime data (India 2015-11-30).

The December 2020 NCRB report notes that the purpose of CAS (Centre) is to maintain "a national database of crimes, criminals and other information collated from the [s]tates across the country and provide reporting and analysis on the data to various stakeholders" (India 2020-12, 28). The same source indicates that CAS search is "now available" at the police station level in India and that different search parameters are available for persons of interest, including age, height, and physical features (India 2020-12, 6). The December 2020 NCRB report notes that police stations and law enforcement agencies can search "[d]etails of any case registered across India," starting with the FIR (India 2020-12, 62).

2.1.3 Information Captured on CCTNS

The SATP Executive Director stated that the CCTNS portal allows "authorized investigators" to view the "complete record history of any criminal from anywhere across the country" (Executive Director 2022-05-06). A 2016 *Times of India* article indicates that all police stations in Maharashtra state were ordered to transition from manual station diaries to digital station diaries by 1 January 2016 and adds that station diaries are a record of all FIRs registered at a particular police station (*The Times of India* 2016-01-02). The article notes that the online system for recording digital station diaries will include "the details of the crimes, accused arrested [*sic*], court proceedings and other details," and will "develop real-time updates" for officers to "keep a watch on the developments related to a crime" (*The Times of India* 2016-01-02). According to a report presented to India's Parliament by the Department-Related Parliamentary Standing Committee on Home Affairs, the MHA informed the committee that FIRs are being registered "100% electronically" in 16,074 police stations nationwide (India 2022-02-10, para. 3.19.2).

According to the SATP Executive Director, the CCTNS portal provides authorities with a "'Google-type advance search engine'" which they can use to "generate analytical reports" (Executive Director 2022-05-06). The same source added that state police organizations as well as investigative agencies including the CBI, the Intelligence Bureau [(IB)], the Directorate of Enforcement, and the National Investigation Agency can use the Digital

Police portal to access a national database of crime and criminals, which contains 11 search categories and 44 different reports for users to search (Executive Director 2022-05-06).

A paper on "smart policing" by Shivangi Narayan, a researcher who studies digital policing in India (Narayan n.d.), states that the CCTNS records data from FIRs and the "'daily diary' or the 'general diary' (an account of the daily functioning of the police station)" (Narayan 2017-09-04, 2). The same source indicates that "most" crime data in police stations comes from complaints, which are not recorded in CAS, and that "only a portion of complaints become FIRs," which are recorded in CAS (Narayan 2017-09-04, 2). Additional information on the types of crime data entered into the CCTNS, including whether the CCTNS has information on persons of interest who do not have FIRs registered against them, could not be among the sources consulted by the Research Directorate within the time constraints of this Response.

An article on information sharing in the criminal justice system by Sushil Kannan, a joint assistant director of India's NCRB, published in the *NCRB Journal*, indicates that there are a total of twenty-four forms, including seven major Integrated Investigation Forms (IIF), which are used to capture information on suspects or accused persons in CCTNS (Kannan 2019-10, 3). The Pragati Dashboard of 1 January 2022 lists the following IIF entered into CCTNS:

- FIR, IIF 1;
- Crime Details Form, IIF 2;
- Arrest/Court Surrender Form, IIF 3;
- Property Search and Seizure Form, IIF 4;
- Final Form/Report, IIF 5;
- Court Disposal Form, IIF 6;
- Result of Appeal Form, IIF 7;
- Missing Person Registration, IIF 8;
- Unidentified Person Registration, IIF 9;
- Registration of Unidentified Dead Body, IIF 10;
- Registration of Unnatural Death, IIF 11 (India 2022-01-01, 58).

The same source states that across India, 88 percent IIF 1 to IIF 6 forms and 66 percent IIF 8 to IIF 11 forms are entered into CAS (India 2022-01-01, 2). Narayan states that there are inconsistencies in the statistics on the Pragati Dashboard; Narayan notes, for example, that on a 2017 Pragati Dashboard, one page indicates that 80 percent of Delhi police stations were entering information on IIF 1 to 5 on CAS and 30 percent were entering information on IIF 6 to 7, but subsequent pages on the same

dashboard indicate that Delhi was entering 100 percent of information from IIF 1 to 7 (Narayan 2017-09-04, 2). Blank template forms of IIF 1 to IIF 7 are available online (India n.d.a).

The website of the Punjab Police lists the following CAS forms:

- Gang Profile Form, Organized Crime Information System (OCIS) 1;
- Gang/Organization Criminal Activity Details, OCIS 2;
- Member Details Form, OCIS 3;
- General Dairy;
- Non-Cognizable Offence Information Report;
- Lost Property Registration;
- Unclaimed/Abandoned Property;
- Medico Legal Case Request Form (MLC);
- Stranger Roll Registration;
- Preventive Action Registration;
- Foreigner Registration Form;
- C-Form;
- Missing Cattle Registration (Punjab n.d.).

Blank templates of these CAS forms are available online (Punjab n.d.). Information on whether these CAS forms are entered into CCTNS could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Regarding whether information on extrajudicial arrests would be captured in criminal databases, the Executive Director indicated that "[n]o official record of such arrests is maintained" in official criminal databases, including CCTNS (Executive Director 2021-05-11). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The December 2020 NCRB report indicates that the following nine services are provided for users in the CCTNS citizen portal:

- Filing complaints to the concerned police station
- Obtaining the status of the complaints
- Obtaining copies of FIRs
- Accessing details of arrested persons/wanted criminals
- Accessing "[d]etails of missing/kidnapped persons and their matching with arrested"

- Accessing details of stolen/recovered vehicles, arms and other property
- Submitting requests for issue/renewal of various No Objection Certificates (NOC)
- Verifying requests for "servants," employment, passport, senior citizen registrations, etc.
- Accessing portal for sharing information and enabling citizens to download required forms (India 2020-12, 26–27).

For information on whether FIRs can be accessed by member of the public, see Response to Information Request IND200628 of June 2021.

2.1.4 Mobile CCTNS (M-CCTNS) [m-CCTNS] in Karnataka

According to the 2022 NCRB newsletter, Karnataka state possesses a "m-CCTNS mobile application," which is an "internal application" of the Karnataka state police and was developed for the internal use of police officers and personnel (India [2022-12], 9). The same source notes that the application contains "module[s]" concerning "[p]ersons of [i]nterest (Criminal DB), [v]ehicle search ..., arrest coordination..., [unnatural death report (UDR)] and missing persons ..., and fingerprint[s]" (India [2022-12], 9). The *Hindustan Times*, an Indian English-language newspaper, quotes an unnamed "senior [police] officer" in Karnataka state as indicating that the M-CCTNS can be used to check against "'the fingerprint database of previously arrested persons'" (2023-04-01). The *Deccan Herald*, a newspaper headquartered in Bengaluru, notes that the M-CCTNS contains "all" FIRs, "pending cases," and information on court proceedings (2023-02-23). According to a December 2022 article by the *Hans India*, police in Bengaluru used the fingerprint verification function of the state's M-CCTNS app to "arres[t]" an individual accused of an "attempted murder" from five years prior (*The Hans India* 2022-12-11). The article notes that the individual had been living in Bengaluru "for some years," and was "handed over" to police in Mandya district "for further questioning or investigation" following his "arres[t]" (*The Hans India* 2022-12-11). The article further notes that "a small finger print device has been distributed to all police stations" in the state "for fingerprint verification through the M-CCTNS mobile app," which reduces the time required to check a suspect's fingerprints and "gather details" about their "history," from "around 10 days" to "immediately" upon scanning (*The Hans India* 2022-12-11).

2.2 National Automated Fingerprint Identification System (NAFIS)

According to a report by the CFPB of the NCRB, NAFIS is a web-based application, "soft launch[ed]" in July 2021 – designed to "establis[h] a central repository of criminal fingerprint data generated in States/UTs in India," and which is integrated with other applications including CCTNS

(India 2021, 3, 4). The same source states that NAFIS "provides facilities for integration for States/UTs with their own [National Institute of Standards and Technology (NIST)] compliant Automated Fingerprint Identification Systems (AFIS) to replicate their data to the central server" (India 2021, 3). The CFPB report further indicates that according to NAFIS's design, fingerprint slips which are obtained in police stations, as well as digital fingerprints captured at districts, will be "stored in dedicated virtual partitions allotted to each State/UT in NAFIS['s] server established at NCRB H[eadquarters] through hardware and software provided by NCRB" (India 2021, 4).

According to a January-March 2023 NCRB newsletter, a total of 192,581 fingerprint slips were migrated to NAFIS between January 2023 and 31 March 2023, bringing NAFIS's "total database size" to 7,588,557 (India [2023-03], 13). The same source notes that 1,080,165 pieces of data have yet to be migrated to NAFIS (India [2023-03], 13). The 2023 NCRB newsletter indicates that as of 28 February 2023, there were 1,991 "chance prints" [scene of crime print or "accidental impression left by friction ridges [of] skin on a surface" (India 2021, 206)] using NAFIS (India [2023-03], 13).

According to the 2023 NCRB newsletter, NAFIS was used by authorities in Tamil Nadu in pursuit of individuals alleged to have stolen cash from 4 ATMs; authorities searched fingerprints collected at a hotel where the accused individuals stayed "against the national database using NAFIS," and identified that three of the accused were natives of Haryana state, and had committed crimes in locations including Delhi and Madhya Pradesh state (India [2023-03], 14). The 2022 NCRB newsletter states that NAFIS was used in the arrest of a "repeated offender" of interstate "thefts and robberies," after fingerprints from three crime scenes across different districts of Kerala were tracked by Kochi city police in pursuit of a suspect originally from Andhra Pradesh (India [2022-12], 19). The CFPB report notes three discrete cases of interstate arrest which relied on NAFIS data, and which involved authorities in Andhra Pradesh matching "[c]hance prints lifted from [a] crime scene" with individuals who had committed earlier crimes in Haryana or Madhya Pradesh states; in all three cases, the NAFIS match "was communicated to Andhara State Finger Print Bureau," and in turn to the "[investigation officer] for initiating further action in th[e] case" (India 2021, 150). The same source adds that in one of the three Andhra Pradesh cases, the "chance prints" found at the crime scene did not yield a match when searched within the state AFIS database, and were thereafter referred to the CFPB for search in the national database, which ultimately produced the match (India 2021, 150).

The 2022 NCRB newsletter indicates that following the installation of NAFIS and its national level database, authorities entered the "chance prints" obtained from the crime scene of a 2004 Delhi murder, which

"matched with the existing record of a criminal in the database," resulting in the "solving" of the case (India [2022-12], 19).

2.3 Morpho Enrolment Software Application (MESA)

According to the CFPB report, MESA is a "live enrolment application which captures biometrics (fingerprints, palm prints and face[,] etc.) along with demographics details," and which can operate in both online and offline modes (India 2021, 146). The same source adds that MESA is integrated with CCTNS "for fetching demographic details from [the] CCTNS server" and helping to "reduc[e] the efforts of the operator" (India 2021, 146). The CFPB report further states that MESA's "[q]uick search" function uses scans of "two thumbs" to search for a possible "HIT" within the national crime database (India 2021, 146).

2.4 Zonal Integrated Police Network (ZIPNET)

According to the lawyer, ZIPNET is being used to "share information amongst neighboring states" (2016-04-10). According to the ZIPNET website, the project was introduced in 2004 in order to "share crime and criminal information in real-time" and provide "search engines to match information from [the] central repository in [an] online environment" (India n.d.b). The same source states that the project began with the Delhi, Haryana, Uttar Pradesh and Rajasthan police, followed by Punjab, Chandigarh and Uttrakhand police in 2008, and then the Himachal Pradesh police in 2012 (India n.d.b). According to the website, ZIPNET contains the following information for the public and the police:

1. FIR (Heinous Cases: Murder, Dacoity [gang robbery], Robbery & Snatching)
2. Arrested Persons (Heinous Cases: Murder, Dacoity, Robbery & Snatching)
3. Most Wanted Criminals
4. Missing Children
5. Children Found
6. Missing Person (including action taken module for authenticated Users Only)
7. Un-identified Dead Bodies
8. Un-identified Person Found (Unconscious, Minor, Abandoned, Mentally Disturbed)
9. Stolen Vehicles
10. Unclaimed/Seized Vehicles
11. Missing/Stolen Mobiles
12. Police Alerts

13. Daily Police Bulletin (Authenticated Users Only)
14. Jail Releases (Authenticated Users Only)
15. Bail Out (Authenticated Users Only)
16. Press Releases (Authenticated Users Only)
17. Messaging (Authenticated Users Only). (India n.d.b)

Information on the use and effectiveness of ZIPNET could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.5 National Intelligence Grid (NATGRID)

According to a 2016 article by *Governance Now*, a "fortnightly print magazine" that provides analysis of governance and institutions in India (*Governance Now* n.d.), under the NATGRID program, the MHA "wanted to link 81 databases," including those of "10 law enforcement agencies ... user agencies, and that of 22 provider agencies, including banks, telecoms and internet service providers, railways, airlines and future databases" (*Governance Now* 2016-01-18). The *Indian Express* similarly reports that the project

entails combining 21 sensitive databases relating to domains such as banks, credit cards, cellphone usage, immigration records, motor vehicle registrations, Income-Tax records and NCRB into a single database for access by authorised officers from 10 central agencies. (*The Indian Express* 2015-11-20)

According to an article by Asian News International (ANI), a news agency in India, a report tabled in Parliament in March 2022 by the Department-Related Parliamentary Standing Committee on Home Affairs indicates that "procedural delays are hampering the progress of NATGRID," and that the "operationalisation of NATGRID" has not yet occurred (ANI 2022-03-19). An article by Press Trust of India (PTI), a New Delhi-based Indian news agency, indicates that the Indian government is "expected to launch" NATGRID "soon" (PTI 2021-09-12). According to sources, the implementation of the NATGRID program has been stalled for several years (*The Indian Express* 2015-11-20; *India Today* 2015-11-25). The 2016 article by *Governance Now* similarly states that the NATGRID project has "not been rolled out" and cites a government official who is associated with the project as stating that the "project exists only on paper" (*Governance Now* 2016-01-18). Further information on the implementation of the NATGRID program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Information on the ability of police to locate an individual specifically through the use of registration and security checks could not be found

among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Use of Surveillance Technology

In a 2021 report on India, Freedom House states that "in certain situations" the state's surveillance of online content and activity "infringes" on user privacy rights, and adds that the government's surveillance apparatus is "becoming more sophisticated" (Freedom House 2021-09-21, Sec. C5). According to a September 2013 article in the *Hindu*, a daily newspaper, "the Internet activities of India's roughly 160 million users are ... subjected to wide-ranging surveillance and monitoring" (*The Hindu* 2013-09-08). According to a 2014 report co-produced by the Software Freedom Law Centre (SFLC) [7] and the World Wide Web Foundation (Web Foundation) [8], "Indian citizens are routinely and discreetly subjected to Government surveillance on a ... staggering scale" (SFLC & Web Foundation 2014-09, 2). According to the same source, an application filed by SFLC "under the Right to Information Act, revealed that on an average, around 7500 – 9000 telephone interception orders are issued by the Central government alone each month" (SFLC & Web Foundation 2014-09, 2).

In an article published in the *Wire*, an online Indian news publication, Prashant Reddy T., "an assistant professor at the National Academy for Legal Studies and Research (NALSAR), Hyderabad," indicates that "metadata[,] such as location data or IP [Internet Protocol] addresses[,] have been used as a form of surveillance by police in India (*The Wire* 2018-01-02). The same source provides the example that "the police can determine the location of a person by asking the telecom service provider [TSP] to triangulate the location of the mobile phone using cell phone towers or by securing details of the [IP] of an email account" (*The Wire* 2018-01-02). According to Scroll.in, an Indian online news source, "[c]all data or phone records compris[ing] information held by mobile phone companies with details of the numbers called, the duration of the calls and their frequency" are accessible to police authorities with the sanction of [Deputy Commissioner Police (DCP)]-level officers for the "purposes of criminal investigation" (Scroll.in 2018-04-11).

In 2013, Human Rights Watch (HRW) reported that "[i]n recent years, authorities have repeatedly used the Information Technology Act to arrest people for posting comments on social media that are critical of the government" (HRW 2013-06-07). In March 2014, Reporters Without Borders (Reporters sans frontières, RSF) stated that "[w]ith the CMS [Central Monitoring System] fairly recently established, only a handful of cases have come to light in which web users have been prosecuted based on ... surveillance" (RSF 2014-03-10). According to sources, in November 2012 two women were arrested for posts on Facebook critiquing a

citywide shutdown due to the death of a prominent politician (RSF 2014-03-10; HRW 2013-06-07; BBC 2012-11-20).

3.1 Lawful Interception and Monitoring (LIM) Systems

According to the SFLC and Web Foundation report, LIM systems are "a generic term" used to describe "any surveillance system sanctioned by law" (SFLC & Web Foundation 2014-09, 2). The same source states that "a number" of LIM systems have been "installed into India's telephone and Internet networks," which exposes "phone calls, texts, emails and general Internet activity" to government surveillance, in real-time (SFLC & Web Foundation 2014-09, 2). The September 2013 article by the *Hindu* similarly states that LIMs monitor "internet traffic, emails, web-browsing, Skype and any other Internet activity of Indian users" (*The Hindu* 2013-09-08). In June 2013, the same source reported that at the state level, there are approximately 200 LIM systems (*The Hindu* 2013-06-21).

In its June 2013 article, the *Hindu* reports that the following agencies "are authorized to intercept and monitor citizens' calls and emails":

the [IB]... the Research and Analysis Wing (RAW) ... the [CBI], the [NCB], DRI [Directorate of Revenue Intelligence], National Intelligence Agency, CBDT [Central Board of District Taxes], Military Intelligence of Assam and JK [Jammu and Kashmir] and Home Ministry. (*The Hindu* 2013-06-21)

3.2 Central Monitoring System (CMS)

The US Department of State's *Country Reports on Human Rights Practices for 2022* for India, states that the CMS is "an indigenous mass electronic surveillance data mining program installed by the Center for Development of Telematics, a government-owned telecommunications technology development center" (US 2023-03-20, 21). According to sources, the CMS program will give centralized access to telecommunications networks and monitor phone calls, text messages and Internet use (HRW 2013-06-07; US 2016-04-13; *The Hindu* 2013-06-21) as well as provide capability to identify a user's physical location (*The Hindu* 2013-06-21; US 2016-04-13). According to S.O. 6227(E), an order issued by the Cyber and Information Security Division of the MHA on 20 December 2018, the following security and intelligence agencies are authorized "for the purposes of interception, monitoring and decryption of any information generated, transmitted, received or stored in any computer resource":

- IB;
- NCB;
- Directorate of Enforcement;
- CBDT;
- DRI;
- CBI;

- National Investigation Agency;
- Cabinet Secretariat (RAW);
- Directorate of Signal Intelligence ("[f]or service areas of Jammu & Kashmir, North-East and Assam only");
- Commissioner of Police, Delhi (India 2018).

In correspondence with the Research Directorate, a representative of the Centre for Internet and Society (CIS), a non-profit organization based in Bengaluru and Delhi that conducts research on "internet and digital technologies from policy and academic perspectives" (CIS n.d.), stated that the CMS is a

Central Government project to intercept communications, both voice and data, that is transmitted via telephones and the Internet to, from and within India. ... It must be clearly understood that no public documentation exists to explain the scope, functions and technical architecture of the CMS.

...

From what we understand from publicly available information, prior to the CMS, all service providers in India were required to have Lawful Interception Systems installed at their premises in order to carry out targeted surveillance of individuals by monitoring communications running through their networks. However, in the CMS era, all TSPs in India are required to integrate Interception Store and Forward (ISF) servers with their pre-existing Lawful Interception Systems. Once ISF servers are installed on the premises of TSPs in India and integrated with Lawful Interception Systems, they are then connected to the RMCs [regional monitoring centres] of the CMS. Each RMC in India is connected to the CMS. In short, the CMS involves the collection and storage of data intercepted by TSPs in central and regional databases.

In other words, all data intercepted by TSPs is automatically transmitted to RMCs, and subsequently automatically transmitted to the CMS. This means that not only [does] the CMS authority have centralized access to all data intercepted by TSPs all over India, but the authority can also bypass service providers in gaining such access. This is due to the fact that, unlike in the case of so-called "lawful interception" where the nodal officers of TSPs are notified about interception requests, the CMS allows for data to be automatically transmitted to its data centre, without the involvement of TSPs. (CIS 2018-06-14)

According to the SFLC and Web Foundation report, the CMS is not "a surveillance system *per se*, since the ... interception and monitoring of communications will be carried about by the pre-existing framework of LIM systems" (SFLC & Web Foundation 2014-09, 25). The same source

states that the CMS will automatically access the information that has "already been intercepted by the LIM system" and will have "central and regional databases that will store intercepted data," and provide access to authorized users of the CMS (SFLC & Web Foundation 2014-09, 25). According to the report, users will "no longer need to approach telecom/internet service providers on a case-by-case basis to retrieve intercepted information" (SFLC & Web Foundation 2014-09, 25).

3.2.1 CMS Implementation

In 2013, HRW reported that in April of that year, the Indian government began implementing the CMS (HRW 2013-06-07). According to the 2013 article in the *Hindu*, "only Delhi and Haryana have tested 'proof of concept' (POC) [9] successfully" and "Kerala, Karnataka and Kolkata are the next three destinations for CMS's implementation" (*The Hindu* 2013-06-21). According to a 2019 article by PTI, CMS's "hub" is situated in Delhi, and 21 RMCs are "operational" in India's 22 "telecom circles" (PTI 2019-07-04). Further information on the implementation of the CMS program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Freedom House, in their 2022 *Freedom on the Net* report for India, notes that in February 2021 the India MHA in an affidavit brought before the Delhi High Court indicated that government agencies do not have "blanket permission" for surveillance, and stated that surveillance programs monitor "terrorism, radicalization, cybercrime, [and] drug cartels" (Freedom House 2022-10-18, Sec. C5).

US *Country Reports 2022* indicates that the CMS program "continued to allow government agencies to monitor electronic communications in real time," and further notes the following information about the procedures required for authorities to conduct such monitoring:

[W]hile there are no requirements for a judicial order before monitoring can occur, an order from the [MHA] or the state-level [MHA] must be obtained. A review committee is required to meet every two months to review intercept orders granted under emergency provisions, which are limited to a maximum of 180 days. (US 2023-03-20, 21)

4. Relationship Between Aadhaar and Police Databases

According to the SATP Executive Director, the *Aadhaar Act* "disallow[s]" the "linking" of CCTNS with the Aadhaar [national ID number] database, thereby "limiting" the authorities' ability to "track offenders," especially in cases of first offences (Executive Director 2022-05-06).

For information on the Aadhaar number, its uses, the relationship between Aadhaar and police databases, and whether authorities use

Aadhaar registration to track individuals, see Response to Information Request IND200627 of May 2021.

5. Tenant Verification

According to a 2018 investigative report by *India Today*, an English-language news magazine, on tenant registration in Delhi, tenant verification aims to "detect criminal background, if any, and maintain a database on people living" in a particular area (*India Today* 2018-08-08). Quoting a Delhi police officer, a 2019 article by the New Delhi-based *Millennium Post* similarly reports that "[t]hrough police verification, the history of any tenant can be verified whether the person had any criminal involvement or absconding from other states" (*Millennium Post* 2019-03-28).

Sources describe tenant registration [or verification] as "mandatory" (*India Today* 2018-08-08; *Millennium Post* 2019-03-28). The SATP Executive Director stated that the tenant registration system is not applied uniformly nationwide and noted that Uttarakhand includes its tenant registration system as part of its CCTNS system, whereas Haryana has its own citizens' portal called Har Samay which offers "33 citizen-centric services" (Executive Director 2022-05-06). The same source added that variations of this sort exist in other states as well (Executive Director 2022-05-06).

Sections 5.3 to 5.10 of this Response provide information on tenant verification in some of India's major cities.

5.1 Police Verification of Tenant Information

According to the *Indian Express*,

[a] police verification is done whenever a property, commercial or otherwise, is rented out. A form is filled by both the owner and tenant, and has details like name, photograph and residential address of both. It also has copies of proof of identity and residence of both.

The police goes through the documents and checks the background of the tenant. They then sign and declare the property verified. (*The Indian Express* 2017-12-11)

Sources report on the ability of police verification of tenants across various states of India as follows:

- According to the *Hans India*, the tenant verification programme exists in Karimnagar, New Delhi, Gurgaon, Kolkata, Mumbai, Pune, Bengaluru, Chennai, Thane, Jammu and Kashmir, and Punjab (*The Hans India* 2017-06-07).
- According to the *Tribune*, a daily Indian newspaper, the "Patiala police have started a special tenant verification drive" (*The Tribune* 2017-08-

23). According to the same source, the district police [of Patiala] have conducted surveys of over 200 ... houses" and warned the owners of consequences if they did not register their tenants (*The Tribune* 2017-08-23). The same source explained that the Patiala Deputy Commissioner-cum-District Magistrate had passed written orders for verification of tenants from outside the district at the nearest police station within 15 days. However, implementation of the order has remained ineffective. Following this, the police ... decided to check all such houses housing tenants without informing the authorities. (*The Tribune* 2017-08-23)

- According to the *Hindu*, the Cyberabad police have put in place a tenant verification system (*The Hindu* 2015-07-21).
- According to the *Hindu*, police in Hyderabad have asked "house owners to register their tenants through the Hawk Eye App" (*The Hindu* 2015-07-21). According to sources, the Hawk Eye App is a mobile app launched by the Hyderabad police (*The Hindu* 2017-01-11; Hyderabad n.d.) that has approximately 3.5 million users (*The Hindu* 2017-01-11). According to the website of the Hyderabad police, one of the features of the Hawk Eye App is the registration of tenants with the police (Hyderabad n.d.). According to the *Hindu*, "[t]he App has [the] facility to upload the photographs and other details of the tenant. Once the details are uploaded[,] they form part of a database of the city police and can be checked at any point of time" (*The Hindu* 2015-07-21).

The *Indian Express* cites a Navi Mumbai Police Commissioner as stating that "it is impossible for the police to actually verify the identity of all those who rent property" in Navi Mumbai and that "the police force is not equipped to personally go and check all new tenants" (*The Indian Express* 2017-12-11). The *Indian Express* cites the same Navi Mumbai Police Commissioner as stating that the police does not "'have enough men to do thorough checks on each verification form that comes to [them]. [They] can ensure checks against fake documents by asking for multiple documents proof, but that's about it'" (*The Indian Express* 2017-12-11). The *Indian Express* cites a lawyer as stating that the entire process of tenant verification "has several loopholes" and cites him as stating that

"police verification, in theory, is meant to ensure that if a criminal or terrorist is seeking tenancy, the police know and keep an eye. It also ensures the safety of the property owner, who can escape ... allegations of complicity in a crime, in case a crime is committed, by saying that he had informed the police. However, the cops are often unfamiliar with the rules of the tenancy act. While a stamp duty of ... 750 [Indian rupees (INR)] [approximately C\$12.50] is minimum for tenancy, sometimes the police accept a stamp paper of ... 100 [INR] [approximately C\$1.66]. They don't

even do spot checks, taking the written document as the final word, which generally leads to discrepancies." (*The Indian Express* 2017-12-11)

The *Indian Express* cites the same lawyer as explaining that the "police force is just ill-equipped and short-staffed to actually carry out such verifications when they get over 50 forms daily" (*The Indian Express* 2017-12-11). In another correspondence, the Associate Professor stated that "[i]nformation about tenants is very limited and Delhi/Mumbai and a few other metropolises have intermittently tried to develop a database and verify the information. To the best of [his] knowledge, this is very inadequate and not updated regularly" (Associate Professor 2018-04-18).

Section 3.9.1 of a "Citizen User Manual" for the CCTNS, produced by Wipro, a Bengaluru-based IT company (Wipro n.d.a), and submitted to the NCRB of the MHA, provides instructions and screenshots of the tenant verification process within the CCTNS program; Section 3.9.1 of this manual is available online (Wipro n.d.b).

5.2 Relationship Between Police Databases and Tenant Verification

The Executive Director noted that one of the stated uses of CCTNS is the verification of tenants and that CCTNS is used for this purpose "but utilization varies widely between states" (Executive Director 2021-05-11). *India Today*, an India-based weekly magazine (The India Today Group n.d.), quotes LN Rao, a former deputy commissioner of police in Delhi, as stating that tenant verification is "done only for the psychological satisfaction, not for actual background check ... the cops don't make any effort to follow up with the concerned police station of other states" (*India Today* 2018-08-08). A July 2019 *Indian Express* article explains that in Chandigarh, after the police receive tenant verification forms, the forms are sent to the district police superintendents for "the authentication of names, addresses, criminal background[,] etc." (*The Indian Express* 2019-07-23). An anonymous Station House Officer (SHO) [10] cited in the same source indicated that the "Information Sheets" are sent directly to "area SHOs" in cases where a police station's name and "jurisdiction" are mentioned, adding that "[i]t is a lengthy process" (*The Indian Express* 2019-07-23). The SHO notes that neighbouring states, such as Haryana, Punjab, Himachal and "even" New Delhi, often reply "shortly" on the back of the Information Sheet but that there is a "long" wait for a response from "faraway states," such as UP [Uttar Pradesh], Bihar and West Bengal (*The Indian Express* 2019-07-23). Further and corroborating information on the use of police databases during tenant verification could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.3 Tenant Registration Requirements in Bengaluru

Recent information on tenant registration or tenant verification in Bengaluru could not be found among the sources consulted by the

Research Directorate within the time constraints of this Response.

Sources report that there are landlords in Bengaluru who require potential tenants to show their Aadhaar card (*Bangalore Mirror* 2017-05-11; Asianet News Online 2017-05-10) in order to "process rental agreements" (*Bangalore Mirror* 2017-05-11). In March 2019, Citizen Matters, an independent news site funded by the Oorvani foundation, "a non-profit trust that works on open knowledge platforms for civic engagement and community revitalisation" (Citizen Matters n.d.), reported that the police launched a drive to

"document" residents living in apartment complexes across the city. ... [A]partment owners' associations have been asked to provide full details of their residents and safety and surveillance assets, as part of the police's "[p]reventive [s]ecurity [m]easures." (Citizen Matters 2019-03-21)

The same source further reports that the General Secretary of Bangalore Apartments' Federation (BAF) stated that apartment associations have neither the "obligation nor the authority to share tenant or owner information with anybody else" and, if such information is required, police must ask the individuals involved to provide it, rather than the apartment association (Citizen Matters 2019-03-21). Further information on the requirements and procedures for tenant verification in Bengaluru could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.4 Tenant Registration Requirements in Chennai

The *Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017* provides the following:

3. Nothing in this Act shall apply to–

1. any premises owned or promoted by the Central or State Government or Local Authority or a Government undertaking or enterprise or a statutory body or cantonment board;
2. premises owned by a company, university or organization given on rent to its employees as part of service contract;
3. any premises owned by religious or charitable institutions as may be specified by the Government, by notification;
4. any premises owned by Waqf registered under the Waqf Act, 1995 or to any trust registered under the Indian Trusts Act, 1882;
5. any other building or category of buildings specifically exempted in public interest by the Government, by notification:

...

4. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, no person shall, after the commencement of this Act, let or take on rent any premises except by an agreement in writing, which shall be informed to the Rent Authority by the landlord and tenant jointly, in the form specified in the First Schedule. (Tamil Nadu 2017)

The information in the following paragraph was provided by the founder of the Information and Resource Centre for the Deprived Urban Communities (IRCDUC), a civil society organization in Tamil Nadu working on the land and housing rights of the "deprived urban communities" (IRCDUC n.d.), in an interview with the Research Directorate:

Landlords will request police verification when they are "doubtful" of or "prejudiced" against a tenant. There are no guidelines for the police to conduct tenant verification. People who are marginalized, including the LGBTQ community, poor persons, people with disabilities and those who are not accepted by society, will "often" live in informal settlements or slums because the communities are "very inclusive," it is affordable, there is no tenant verification, and it is easier to get housing "because there are no strings attached". However, "some" settlements have "very high" crime rates (IRCDUC 2023-05-15).

5.5 Tenant Registration Requirements in Delhi

The Delhi Police Citizens' Charter states the following on tenant verification:

6. OUR SPECIAL SERVICES

...

e. Tenant Verification - In order to detect any person with dubious [c]redentials taking shelter in Delhi as a tenant, Delhi Police carries out regular tenant verification. The owners of the house are required to inform local police whenever they keep a tenant. Tenant Verification form can be downloaded from website: <https://delhipolice.gov.in>.

...

ANNEXURE-"B"

OUR REQUEST TO PUBLIC

...

If you are a landlord or a property dealer, do not let out your premises without satisfying yourself about the antecedents of the tenant.

If you own a [g]uest [h]ouse, [l]odge or a [h]otel[,] insist on identification documents before booking a room for the guest. (Delhi n.d.a, emphasis in original)

According to a Delhi Police document on best practices, "intensive" tenant verification is an "anti-terror measure" taken by the Delhi Police (Delhi n.d.b).

Sources describe tenant registration in Delhi as mandatory (*India Today* 2018-08-08; *Millenium Post* 2019-03-28). Further information on the requirements and procedures for tenant verification in Delhi could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the *India Today* article,

Delhi Police spokesperson Madhur Verma said, "[a]ll verification forms of the applicant are sent to his/her concerned police station (from where he/she belongs) to check for any criminal background or get a character certificate. In almost all cases, the police of other states fail to even give any revert on the case." (*India Today* 2018-08-08)

The same article further reports that

Mail Today [a Delhi-based newspaper] visited about 25 police stations in Delhi and Noida to check on the verification process.

In most police stations, the verification forms were found dumped, gathering dust with no action being taken to complete the procedure. (*India Today* 2018-08-08)

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

The 2019 *Millennium Post* article reports that

[f]or the safety of any city, tenant verification is very important but there are landlords who ignore the rule

In Delhi itself, there are 1,137 cases of violation found during verification of tenants. Sources told *Millennium Post* that till February 24 [2019], as many as 65,163 tenants were checked and more than 26,000 tenants were verified and 20,198 forms filled [out] for verification. In many cases, the landlords violated the rules. (*Millennium Post* 2019-03-28, italics added)

According to sources, police in Delhi have charged (Citizen Matters 2019-03-21) or convicted landlords that have not completed tenant verification

(PTI 2018-09-18; *The Hindu* 2014-07-03).

In correspondence with the Research Directorate, a PhD research scholar at the Centre for Study of Social Systems, Jawaharlal Nehru University (JNU), New Delhi stated that

[t]enant registration is currently compulsory in Delhi and every tenant needs to be verified [by] the police. ... [T]he tenant needs to sign an agreement on a notarized certificate with the landlord in the presence of two witnesses. After police verification, they are allowed to lease and move into the premises. (Research scholar 2018-05-02)

The same source explained that "[w]hile it is compulsory that tenants be verified by the police before they move in the premises, this is not always the case" (Research scholar 2018-05-02). PTI cites a police officer as stating that "Delhi's south-west district police have registered 46 FIRs against landlords, who failed to comply with tenant verification rules" in January 2018 (PTI 2018-01-23). The same source cites the police officer as further stating that tenant verification is "'a must, especially in the capital'" (PTI 2018-01-23).

5.6 Tenant Registration Requirements in Hyderabad

The information in the following paragraph was provided by the Telangana State Police website:

Guidelines for Tenant Verification

... House owners in the state are requested to follow the below mentioned guidelines scrupulously before renting out their premises to the tenants :

- Open a tenant register to enter the names and their permanent address including telephone [n]os., etc. and affix their photographs
- Ascertain their place(s) of working by obtaining pay-slips/appointment orders etc.
- Record the date of their entry and vacation.
- If the tenant is a foreigner, insist [on] furnishing a copy of valid Passport & VISA.
- Inform the details of tenants to the local [p]olice [s]tation.
- Keep a watch over the movements/activities of the tenants and inform to the local [p]olice if any suspicion noticed.
- Keep a watch over the people who are frequenting his/ her house
- Also keep a watch over the unusual sounds/silence/activity in the rented flat.
- Make surprise visits now and then if you have suspicion.

Always verify THOROUGHLY when you rent out your flats/homes to the people who come from the areas which are known for terror/criminal activity. (Telangana n.d., emphasis in original)

5.7 Tenant Registration Requirements in Kolkata

The information in the following three paragraphs was provided by a property lawyer, who has worked in Kolkata since 2013, in correspondence with the Research Directorate:

The "tenant verification system or tenant registration system is definitely used within several local police jurisdictions of Kolkata." However, tenant verification or tenant registration is not "mandatory by law".

In Kolkata, tenant verification and tenant registration are "generally" used by landlords and property management agencies, however, "since the system is not mandatory, several landlords are not even aware of such a system and often rent out properties without submitting ... verification forms."

The procedure to conduct tenant verification is as follows:

The landlord or property management agency submits a tenant police verification form to the "Officer-In-Charge" at the local police station within the jurisdiction of the property being rented. Some information that is collected within the tenant police verification form includes: the name of the tenant, father's name, permanent address, age, gender, occupation, office address, period of stay, details of all residents staying with the tenant, and ID number, along with proof of identification such as an Aadhaar card, voter card, or passport photocopies (Property Lawyer 2023-05-12).

A *Times of India* article notes that the "general practice" of tenant verification in New Town, Kolkata, begins with prospective tenants being asked by a "broker or flat owner" to provide "at least" two "photo ID proofs," as well as "relevant occupational documents like [an] office ID card or trade licence number" (*Times of India* 2021-06-12). The same source adds that, "in most cases" brokers handle the rental transaction and that in cases where a broker is being used the next step in the process is for brokers to have the rental agreement signed by the property owner and the tenant, before a copy is submitted to the local police station and the property's maintenance office (*Times of India* 2021-06-12). The same article cites a property agent in the area who states that police then stamp the rental agreement, and "give us a received copy"; agents then make further copies of the received copy, and "hand it over" to the owner, tenant, and maintenance office at the property (*Times of India* 2021-06-12). The same property agent adds that police "seldom" meet with tenants "in person to verify their credentials or visit the flats

later to check whether the flat occupant and the [individual] in [an] ID are the same" (*Times of India* 2021-06-12).

A "Residential Tenants Profile Form" is available online on the Kolkata police website (Kolkata n.d.).

5.8 Tenant Registration Requirements in Ludhiana

Information on tenant verification or tenant registration in Ludhiana could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.9 Tenant Registration Requirements in Mumbai

In correspondence with the Research Directorate, an attorney in Mumbai, whose practice areas include real estate and property law, stated that tenant verification is "mandatory" (Attorney 2023-05-15). However, in correspondence with the Research Directorate, a partner at a law firm in Mumbai, whose practice areas include real estate law, indicated that the tenant registration system is "actively adapted" by landlords as "a matter of customary practice" (Partner 2023-05-13). According to sources, the tenant verification system is used "equally and fairly" in Mumbai (Attorney 2023-05-15; Partner 2023-05-13).

The information in the following paragraph was provided by a website of the Mumbai police that collects tenant information within the jurisdiction of the Brihanmumbai police:

Individuals can provide tenant information to the police by completing a form and submitting it online or to a police station in person or by registered mail. The online form includes information related to the property owner, rental property, tenant, as well as the tenant's workplace and people who know the tenant. A police no objection certificate (NOC) is not required for rentals. If "any discrepancy" is discovered in the information provided, "[l]egal action" will be taken against the applicant [and/or] landlord (Mumbai n.d.).

The Attorney stated that landlords who fail to comply with police verification of tenants "may" face a fine or imprisonment for up to one month, or both, depending on the severity of the violation (Attorney 2023-05-15). The same source stated that, to their knowledge, there is no "abuse" of the tenant registration system and no specific group of people are "targeted" on the grounds of religion, gender, single women, etc. (Attorney 2023-05-15). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

An order issued by the Commissioner of Police for Greater Mumbai on 4 May 2023 states the following:

1. Whereas due to the situation prevailing in the areas under the control of Commissioner of Police, Brihan Mumbai, it is apprehended that subversive/anti-social elements may seek hide outs in the residential areas and there is every likelihood of breach of peace and disturbance of public tranquility with grave danger to human life and injury to private/public property on that account,
2. And whereas it is necessary that some check should be put on [landlords]/tenants so that terrorist/anti-social elements in the guise of tenants may not cause subversive activities, riots, affray[,] etc; and that immediate action is necessary for the prevention of the same,
3. ... hereby order that each landlord/owner/persons dealing in property business of any house/property which falls under the jurisdiction of Mumbai Police Commissioner who has let/sub-let/rent out any accommodation to any person, shall immediately furnish the particulars of the said tenant/tenants online on the citizen portal on www.mumbaipolice.gov.in
4. If the person to whom the accommodation is let/sub-let/rented out is a [f]oreigner, then the owner and the [f]oreigner, shall furnish his [n]ame, [n]ationality, [p]assport details ie, [p]assport [n]o., [p]lace and date of issue, validity, [v]isa details, i.e. [v]isa [n]o., category, place and date of issue, validity, registration place and reason for stay in city.
5. This order shall come into force with effect **00.01 hrs of 08/05/2023 till 24.00 hrs of 06/07/2023 for the period of 60 days** (both days inclusive) unless withdrawn earlier.
6. Any person contravening this order shall be punishable under section 188 of the Indian Penal Code, 1860. (Mumbai 2023-05-04, bold in original)

According to an article on the website of the Mumbai-based Shreeyansh Legal, a law firm whose areas of practice include property law (Shreeyansh Legal n.d.), the tenant verification form is available both online and at police stations; the form is filled out with "information of [the] owner and tenant," attached to a copy of the "registered leave and license agreement," and submitted to the police station (Shreeyansh Legal 2018-05-23).

5.10 Tenant Registration Requirements in Thruvananthapuram

Information on tenant verification or tenant registration requirements in Thruvananthapuram could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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.

Notes

[1] The South Asia Terrorism Portal (SATP) is an online database focusing on "terrorism and low intensity warfare in South Asia" (SATP n.d.a). The SATP is a project of the New Delhibased Institute for Conflict Management (ICM), which is a "non-profit [s]ociety" "committed to the continuous evaluation and resolution of problems of internal security in South Asia," including in India (SATP n.d.b).

[2] Bharat Electronics Limited (BEL), a company in defence electronics (BEL n.d.a) that has partnered with the Indian Ministry of Home Affairs (MHA) to establish the Police Communication Network (POLNET), states on its website that POLNET is "a satellite[-]based network that provides voice, video, data and message communication" (BEL n.d.b).

[3] The December 2020 report by the NCRB of the MHA notes that six "[a]dvanced [s]tates," including Andhra Pradesh, Goa, Gujarat, Karnataka, Tamil Nadu and Telangana, opted to "adopt their own software because these [s]tates ha[d] been using their own [p]olice applications before [the] introduction of [the] CCTNS" (India 2020-12, 4).

[4] Common Cause is a "registered society" seeking to "promote democracy, good governance and public policy reforms [through] advocacy [as well as] interventions by formal and informal policy engagements" (Common Cause & Lokniti 2019, 186).

[5] The Centre for the Study of the Developing Societies (CSDS) is an India-based research institute of social sciences and humanities; the Lokniti Programme for Comparative Democracy is a CSDS research program that seeks "to engage with national and global debates on democratic politics" (Common Cause & Lokniti 2019, 186).

[6] *Express Computer* is an Indian publication covering technology and "eGovernance" (*Express Computer* n.d.).

[7] The Software Freedom Law Centre (SFLC) is a New Delhi-based "donor supported legal services organisation that brings together lawyers, policy analysts, technologists, and students to protect freedom in the digital world" (SFLC n.d.).

[8] The World Wide Web Foundation (Web Foundation) is an advocacy group that works in "partnership with over 160 organisations" in order to

"advance the open Web as a public good and basic right" (Web Foundation n.d.).

[9] According to PC Magazine, a website that provides "independent reviews" of technology products (PC Magazine n.d.a), Proof of Concept (POC) is the "evidence that a product, technology or an information system is viable and capable of solving an organization's particular problem" (PC Magazine n.d.b).

[10] Station House Officers (SHO) are authorized to register complaints and criminal cases (*The Times of India* 2018-01-01).

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property law and real estate law in Hyderabad (3); lawyers who practice property law in Ludhiana (2); lawyers who practice property law and real estate law in New Delhi (2); lawyers who practice property law and real estate law in Thiruvananthapuram (3); lawyers who practice real estate law in Chennai; lawyer who practices real estate law in Kolkata; lawyer who practices real estate law in Mumbai; legal researcher in India who studies technology; Maharashtra – Housing Department; postdoctoral fellow at a university in California who studies policing in India; New Delhi-based journalist specializing in crime and police operations; professor emeritus at a university in the UK who has published on Indian policing; professor of criminal justice and criminology at a university in Texas who has published research on criminal justice in India; professor of criminal justice at a university in Michigan; professor of criminal justice at a university in New York who has researched Indian policing; professor of criminology and forensic science in Haryana; professor of internal security and police administration at a university in Gujarat; professor of law at a university in Kolkata (2); property management and development company in Chennai; Punjab – Department of Housing and Urban Development, Punjab Police; real estate advertisement company in India; realtor based in Chennai; Realtors & Estate Consultants Association of Kolkata; retired Director General of Police in India; Sardar Patel University of Police, Security and Criminal Justice; Tamil Nadu – Housing and Urban Development Department, Police Training College, Tamil Nadu Police; TechConPro; Telangana – Department of Housing, Telangana State Police Department; UK – British Deputy High Commission in Bengaluru, British Deputy High Commission in Hyderabad, British Deputy High Commission in Mumbai, British High Commission in India; US – Consulate in General Chennai, Consulate General in Hyderabad, Consulate General in Kolkata, Consulate General in Mumbai, Embassy in New Delhi; Vidhi Centre for Legal Policy; West Bengal – Housing Department, West Bengal Police.

Internet sites, including: Absolute Tenant Check; Al Jazeera; Amnesty International; Asian Centre for Human Rights; Austrian Red Cross – ecoi.net; BiometricUpdate.com; *Business World*; Carnegie Endowment for International Peace – Carnegie India; Centre for Policy Research; Commonwealth Human Rights Initiative; DailyO; DAKSH; *Deccan Chronicle*; Deutsche Welle; *The Diplomat*; *The Economic Times*; ETRealty; EU – EU Agency for Asylum; Factiva; *The Free Press Journal*; *The Guardian*; *The Hindu Business Line*; India – Bureau of Police Research and Development, Central Bureau of Investigation, Digital India, Indian Police Service, Open Government Data Platform India; Indian Police Foundation; *India Today*; Internet Freedom Foundation; Makaan.com; MediaNama; *Mint*; Mumbai – Mumbai Police; Newland Chase; *Outlook*; *The Pioneer*; PRS Legislative Research; Public Affairs Centre; *The South China Morning Post*; Tata Trusts; Transparency International; UK – Home Office; UN – Refworld; Vidhi Centre for Legal Policy.

Associated documents

9 June 2023 | [IRB – Immigration and Refugee Board of Canada](#)
(Author)

India

Query response on India: State databases (2021 - May 2023) (police communication across states and union territories; tracking of persons; use of surveillance technology; other topics)

Inde : information sur les bases de données, y compris le système d'enregistrement des locataires (ou de vérification des locataires), le Réseau de suivi des crimes et des criminels (Crime and Criminal Tracking Network and Systems – CCTNS), le Système national informatisé de dactyloscopie (National Automated Fingerprint Identification System – NAFIS) et POLNET; l'accès qu'ont les policiers à ces bases de données et leur capacité de trouver des personnes; les cas de personnes que la police a trouvées au moyen de ces bases de données; la surveillance par les autorités de l'État; l'enregistrement des locataires, y compris la consultation de la police et les exigences relatives aux bases de données de la police à Bengaluru [Bangalore], à Chennai, à Delhi, à Hyderabad, à Kolkata, à Ludhiana, à Mumbai et à Thiruvananthapuram (2021-mai 2023) [IND201491.EF] (Response, French)

fr

ID 2095454

ecoi.net description:

Query response on India: State databases (2021 - May 2023) (police communication across states and union territories; tracking of persons; use of surveillance technology; other topics)

Country:

India

Source:

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