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CIRCULAR

NO. 13 /2021

Subject:- LEGAL LIABILITIES OF LANDLORDS WITH REGARD TO FOREIGN NATIONAL TENANTS UNDER THE PROVISIONS OF FOREIGNERS ACT, 1946 READ WITH FOREIGNERS (AMENDMENT) ORDER, 2016.

I. Introduction

A landlord is legally responsible for conveying/informing details of his tenant to the statutory authority for necessary action. Instances have been noticed that in case of non-compliance by the landlords, where the tenant is a foreign national, Delhi Police tends to take action under section 188 IPC only, despite the stringent provisions prescribed under the Foreigners Act, 1946 entailing imprisonment extending up to 05 years as compared to section 188 IPC which provides for a maximum punishment extending up to 06 months only.

The landlords are often found to be flouting the legal obligations cast upon them under the Foreigners Act, 1946 (hereinafter referred to as "the Act") read with Foreigners (Amendment) Order, 2016.

II. Legal Provisions:

i) Section 7 of the Foreigners Act casts duty on the **keepers of any premises** where lodging or sleeping accommodation is provided for reward, to maintain and furnish the details of foreign national residents to the concerned authority on the prescribed proforma.

ii) Clause 16 of the Foreigners (Amendment) Order 2016, issued with reference to section 7 of the Foreigners Act, 1946, casts a duty on the **hotel keepers** to record the particulars of a foreign national in a register maintained in Form-B and furnish details of a foreigner national to the Registration Officer in Form-C within 24 hours after arrival of the foreigner.

iii) The register to be maintained in **Form B** shall at all times be available for inspection on the demand of any Registration Officer, magistrate or **police officer not below the rank of Head Constable.**

iv) The Order, further clarifies that:

a. The term ***hotel*** includes any boarding-house, club, dak banglow, rest house, hostel, paying guest house, *sarai,* **rented accommodation**, hospital, or **other premises of like nature**, furnished or unfurnished, where lodging or sleeping accommodation is provided for reward.

b. The term **"keeper of a hotel"** means a person having the management of a hotel and includes any person authorized by him and competent to perform the duties of the keeper of the hotel under the paragraph.

v) The above provisions make it amply clear that although, the expression 'landlord' does not find mention in the Foreigners Act, 1946, however, the term "keeper of the premises" as mentioned in section 7 of the act would include within its ambit any person who would have the management and control of the premise. **Thus, the term keeper of the premises would not only include a hotel keeper but also a landlord or the keeper of any sort of accommodation where the foreign national is residing.**

III. **Penal Provisions**:-

a. Section 14 (c) of the Act provides that whoever contravenes the provisions of this Act or any order made thereunder for which no specific punishment is provided under the Act shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine.

b. Section 14 C provides the punishment for abetment of offences mentioned in the Act.

IV. **Liabilities of landlords with regard to foreign nation tenants and punishment for contravention:** In view of the legal provisions of the Act and Order, 2016 :-

i) A landlord is liable to maintain the particulars of a foreign national tenant in a Register maintained for the purpose in **Form-B (Annexure-A).** He is further liable to furnish particulars of the foreign national to the Registration Officer in **Form-C (Annexure-B)** within 24 hours of arrival of the foreign national. Non-compliance of these provisions is punishable under section 14 of the Foreigners Act. 1946.

ii) If a foreign national is staying for a period beyond his visa, the landlord is bound to report such contravention to the concerned authorities. Non-compliance of this provision is punishable under section 14-C of the Foreigners Act. 1946.

In view of the above, all SHOs and IOs must be suitably briefed to ensure meticulous compliance of the above instructions.

This issues with the approval of Commissioner of Police, Delhi.

(RAJESH DEO)
DY. COMMISSIONER OF POLICE,
LEGAL CELL/ PHQ, DELHI

No. 18ai-1950 /Record Branch/PHQ, dated Delhi, 09/08/2021.

Copy for information and necessary action to:-

1. All Spl. Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Addl. Commissioners of Police, Delhi.
4. SO to Commissioner of Police, Delhi.
5. All Districts/Units DCsP including P/PTC, IGIA & FRRO, Delhi.
6. Reader to CP, Delhi.
7. All ACsP/PHQ including Computer.
8. All Insprs./PHQ.
9. HAR/PHQ with 10 spare copies.

Form B

[See paragraph 16(1)

Foreigners (Amendment) Order, 2016]

Hotel Register

1. Serial No.

2. Name of the visitor in full (in block capitals, surname first)

3. Nationality

4. Number, date and place of issue of passport

5. Address in India

6. Date of arrival in India

7. Whether employed in India – Yes or No

8. Proposed duration of stay in India

9. Arrived from

10. Number, date and place of issue of certificate of Registration, if any

11. Purpose of visit

12. Date and time of departure from hotel

13. Address to which proceeding

14. Signature of visitor.

Form C

[See paragraph l6(6)

Foreigners (Amendment) Order, 2016]

ARRIVAL REPORT OF FOREIGNER IN HOTEL

[To be completed in duplicate]

1. Name and address of the Hotel or other premises, where accommodation has been provided for reward / on payment _____

PHOTOGRAPH II*

2. Phone/Mobile No. of the Hotel/Place of stay _____

3. Name of Foreign visitor in Full: (as given in passport)

4. Date of Birth (DD/MM/YYYY)

5. Address in country where residing permanently

6. Address / Reference in India

7. Nationality

8. Passport No.

9. Place of issue of passport

10. Date of issue of passport (DD/MM/YYYY)

11. Valid till (DD/MM/YYYY)

12. Visa No.

13. Date of issue (DD/MM/YYYY)

14. Valid till (DD/MM/YYYY)

15. Type of Visa

16. Place of issue

17. Arrived from

18. Date of arrival in India (DD/MM/YYYY)

19. Date of arrival in Hotel (DD/MM/YYYY)

20. Time of arrival

21. Intended duration of stay in Hotel (no. of days.)

22. Whether employed in India (tick in appropriate box)

Yes	No.

23. Purpose of Visit (tick in appropriate box)

Business	Transit	Official	Employment	Education	Conference	Visit Friends/relatives

Medical/Health	Religion/pilgrimage	Leisure/holiday	Sport	Others

24. Next destination/proceed to

25. Contact/Phone No. in India

26. In country where permanently residing

Note:- Please ensure that no column is left blank/incomplete

- In case web camera/digital camera is not available, photocopy of the photograph in Passport may be enclosed

Manager's Signature"