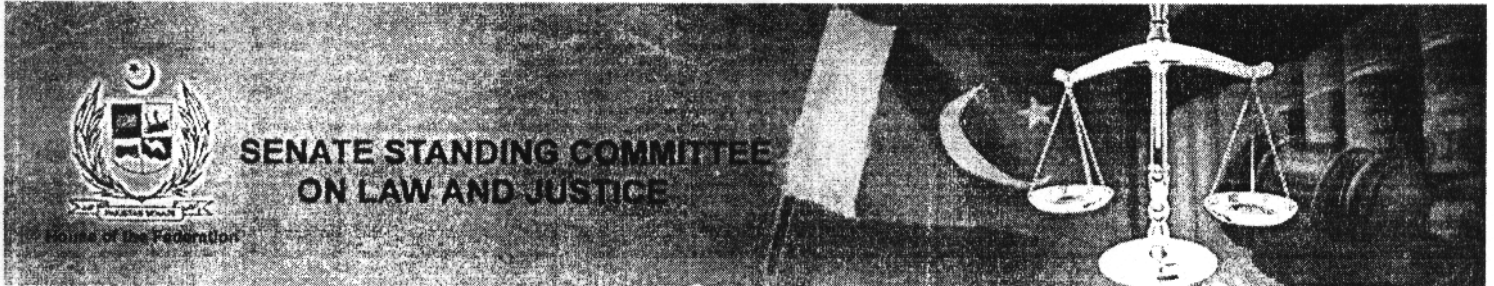


REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



**“Steps taken/being taken by the Government against illegal
Housing Societies in Islamabad Capital Territory (ICT)”**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

Dr # 1869
16/5/16

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE "STARRED QUESTION NO. 12 ASKED BY SENATOR KALSOOM PARVEEN REFERRED BY THE HOUSE ON 25TH JANUARY, 2007, REGARDING STEPS TAKEN/BEING TAKEN BY THE GOVERNMENT AGAINST ILLEGAL HOUSING SOCIETIES IN ISLAMABAD CAPITAL TERRITORY (ICT)"

1. Chairman of the Standing Committee on Law and Justice, have the honour to present a report on a matter arising out of Starred Question No. 12 asked by Senator Kalsoom Parveen, regarding steps taken/being taken by the Government against illegal Housing Societies in Islamabad Capital Territory (ICT), which was referred by the House on 25th January, 2007, for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	<i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2.	<i>Senator Raja Muhammad Zafar ul Haq</i>	<i>Member</i>
3.	<i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4.	<i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
5.	<i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
6.	<i>Senator Nehal Hashmi</i>	<i>Member</i>
7.	<i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
8.	<i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
9.	<i>Senator Saeed Ghani</i>	<i>Member</i>
10.	<i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>
11.	<i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
12.	<i>Senator Farooq Hamid Naek</i>	<i>Member</i>
13.	<i>Minister for Law, Justice and Human Rights</i>	<i>Ex-Officio Member</i>

3. The Committee considered the matter in its meetings dated 9th November, 2015, 18th November, 2015, 23rd December, 2015, 27th January, 2016, 8th March, 2016 and 18th April, 2016, respectively.



4. The Committee appreciates the support and assistance provided by Ministry of Law and Justice, Ministry of Interior, Capital Administration and Development Division (CADD), National Accountability Bureau (specially Mr. Zahir Shah, D.G NAB), Federal Investigating Agency (FIA), Capital Development Authority (CDA) and Islamabad Capital Territory Administration.

5. In the initial meetings, the Committee was informed by Capital Development Authority (CDA) that one hundred and nineteen societies are operating illegally in ICT. The number was quite huge and astonishing for the Committee, therefore, the committee decided to probe into the matter further in order to find out that whether all the societies are 'illegal' or there are some irregularities which can be rectified to protect the interests of the bonafide purchasers. For the said purposes, the Committee recommended as under:-

- i. CDA and ICT Administration shall prepare following three lists of such societies which are operating illegally in the Islamabad Capital Territory:-
 - a. Societies operating illegally, wherein, development work has been completed and People are living/ constructed Houses;
 - b. Societies operating illegally, wherein, plots have been sold but development has not taken place. Development work is in progress and no houses have been constructed;
 - c. Societies operating illegally, wherein, no development work has stated and no one is living.
- ii. There shall be one Building Control Authority in the Islamabad Capital Territory; CDA shall draft regulations in this regard.
- iii. The National Accountability Bureau shall take up / investigate the issue, in the following terms and a detailed report in this regard shall be submitted before the Committee within a period of one month:-
 - a) Identify role of ICT Administration and CDA, if any, in support / establishing such Housing Societies including the name of officers involved in the process;
 - b) Action / investigation shall also be taken against such societies which are registered with the Rawalpindi Development Authority, however, most of the land is located within the territorial jurisdiction of Islamabad Capital Territory.
 - c) CDA and ICT Administration shall provide list of Housing Societies operating illegally in the ICT to NAB alongwith nature of irregularities.

- iv. The Cooperative Societies Act, 1925, shall be reviewed in order to rectify lacunas regarding the oversight and management of cooperative societies.


6. In the next meeting, Director General, NAB gave a detailed briefing on the subject. During discussion it was revealed that 28 societies did not fulfill legal requirements. Chairman Committee directed NAB, CDA and ICT to ensure that bonafide purchasers of the land/plots were not reprimanded, and legal action was strictly confined to owners of the illegal schemes. D.G NAB was given two weeks to differentiate societies that were in some way discrepant from those that did not exist. He stressed that accountability of officers that assisted in this creation of these illegal housing schemes must be taken to task.

7. In meeting dated 18th April, 2016, the Director General, NAB, laid a detailed report on illegal Housing Societies. He informed the committee that NAB (Rawalpindi) constituted the committee under the supervision of Director (IW-II). The committee obtained relevant record from CDA, ICT, RDA, and discussed the same with relevant officers of authorities. The committee conducted ground visits of all illegal housing schemes falling in Islamabad with the relevant CDA officials. On the basis of ground visit and discussions with the CDA officials / owners of schemes, the committee prepared initial report wherein illegal housing schemes were categorized as under:-

- ◆ Illegal Housing Schemes which are under Inquiry / Investigation / Reference in NAB (RWP) or in Accountability Court, or against whom this Bureau initiated action and concluded their cases under VR / PB;
- ◆ Illegal Housing Schemes that fall in Zone- I & III, where private housing schemes are fundamentally prohibited;
- ◆ Illegal Housing Schemes in Zone-II & V and reasons of their illegality;
- ◆ Illegal Housing Schemes in Zone-IV, where the Supreme Court Order Dated 24-01-2008 had directed CDA to regularize then existing schemes on the pattern of other legal schemes, but CDA/owners of schemes have not regularized such schemes;
- ◆ Illegal schemes which partially fall in Rawalpindi (and RDA approved or not approved Layout Plan) and partially fall in ICT jurisdiction (and where CDA issued or did not issue LOP/NOC).

8. As per the Report, after detailed ground visits and deliberation with CDA officials, initially 11 CV reports were converted into inquiries against schemes that fall in various zones. The concerned Investigation Officers ordered freezing of the schemes' bank accounts and land transfers. The relevant CDA officials, ICT officials and owners / developers of the schemes are being called to collect evidence to identify roles of scheme's management and officials of CDA, ICT and others. In case of other schemes, more inquiries under NAO-1999 are being initiated against CDA officials, ICT administration and owners of schemes; Moreover, combined meetings were held with owners of schemes (who appeared before the committee) and with relevant CDA officials to discuss cases of individual schemes and reasons of the schemes illegality. In light of discussions in these meetings, a report covering each scheme with some details and observations was prepared. However these details and observations / recommendations may need to be further qualified / corroborated with record of individual society, if required during inquiry/investigations.

9. The report submitted by National Accountability Bureau (NAB) identified following issues which need to be addressed:-

- (i) CDA has remained dormant in the issue of mushroom growth of Housing societies, as according to their claim, CDA has no role after the approval of Lay out Plan (LoP);
 - (ii) Regarding the construction in non-permissible zone: most of the land is owned by private individuals. The CDA failed to stop development and construction of houses in the town, as the Land was not acquired by CDA, neither CDA has any plans to acquire land from individuals.
 - (iii) The CDA zoning regulations-1992 seems undecided on the fate of schemes which existed before Zoning Regulations -1992.
 - (iv) CDA is sitting on applications for LOP/NOC since 1997;
 - (v) CDA or authority need to revisit sub-zoning regulations to weed out discrimination, allow for private housing in this sub-zone, and reduce limit of acreage for a housing scheme.
 - (vi) Such schemes which were developed and constructed before the SC order 24-1-2008, CDA need to regularize the scheme in spirit of the said order;
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- (vii) CDA may revisit zoning policies to allow reduction in benchmark of acreage for private housing schemes.
- (viii) To safeguard interests of the residents/public who already purchased plots in the schemes, CDA may initiate required measures to revisit Zoning Policies:

10. In view of the deliberations the Committee recommends as under:-

1. **Involvements of Institutions**

Role of CDA officers / officials, ICT Administration and others regarding mushroom growth of illegal housing societies falling within the jurisdiction of ICT / CDA must be identified.

2. **CDA Should Acquire Land for Sectoral Development**

It was observed that in non-permissible Zones, small private housing schemes were developed on inherited land. The owners developed such schemes in order to get benefit from market trend of higher prices. In view of this situation, CDA shall acquire maximum land and develop proper sectors especially in Zones-1 and 3 and parts of Zones-2, 4, and 5 where private housing schemes are not allowed.

3. **Acquisition of Land in Zone-3 for Margallah Hills National Park**

CDA shall take immediate steps by initiating land-acquisition proceedings in Zone-III to stop further change in landscape of Margallah Hills National Park as enshrined in zoning regulations ICT should not allow mutations.

4. **Regularization of Schemes Launched Before Zoning Regulations-1992**

In order to secure interests of thousands of bonafide purchasers of plots and land in illegal schemes, the CDA or authority may consider regularization of such schemes that existed, were developed or constructed (fully or partially) before the Zoning Regulations-1992 in view of pre-regulation policy. However, such schemes, shall be encouraged to apply for LOP/NOC according to current standards / rules.



5. **Revisit Zone-4 Regulations in Light of Honorable Supreme Court Order- Allow Private Schemes in sub-Zone C**

The CDA Zoning Regulations-1992 divided Islamabad into 5 Zones. Private housing was allowed in Zones-2 and 5 only, while agro-farming schemes were allowed in Zone-4. The Zoning Regulations were amended in 2010 to sub-divide Zone 4 in A, B, C and D. The private housing schemes were allowed in sub-zone B only. However CDA has acquired only 1000 Acres area out of the total 21000 acres land in sub-zone C. The team's survey revealed that majority of the illegal schemes exists in sub zone-C (*earmarked for public buildings and schemes*) where private housing is not allowed. The CDA may consider amendment in regulations of Zone-4, keeping in view the order of Hon'ble Supreme Court of Pakistan passed in 2008 regarding illegal schemes in Zone-4.

6. **CDA Approach to LOP/NOC and Enforcement**

It was observed that Illegal Housing Scheme mushroomed due to cumbersome and years-long CDA procedures for issuance of LOP / NOC, and then cancellation of the same on minor violations while missing the bigger ones. The CDA shall have one window operation, minimum required time for issuance of LOP/NOC, mechanism for enforcement of standards, mechanism for dispute resolution, and mechanism for enforcement of building control codes across ICT.

7. **Ensuring Public Welfare – Regularization of Constructed / Developed Schemes**

In order to ensure provision of basic amenities to thousands of people living in illegal housing schemes and save them from disenfranchisement under CDA rules, CDA may revisit rules to regularize the already developed illegal housing schemes at reasonable cost per Kanal to the developers of such schemes, and provision of basic amenities at cost to the schemes.

8. **Low-cost CDA Schemes**

The plots in illegal housing schemes have lower prices because they save on land use by not following CDA standards. If CDA launch schemes for

general public with lower prices, the trend of private housing schemes can be discouraged.

9. **Revisiting Regulations to Allow for Schemes less than 400 Kanal for mergers**

The Regulations of CDA do not provide space for development of housing schemes with less than 400 Kanal land. However, many illegal schemes have less than 400 Kanal area and as such are counted among illegal ones. CDA / authority may revise the regulations and merger of the already developed housing schemes be ensured.

10. **Setting Priorities- CDA Staff Rationalization**


CDA shall sufficiently equip Enforcement, Environment, Building Control and Planning Wings with men and machines to ensure round the clock monitoring of housing schemes' development activity spanning ICT limits as per Islamabad (Prevention of Landscape Ordinance) 1966 and Islamabad Wildlife Ordinance 1979 and CDA Conduct of Business Regulation, 1985.


11. **Enforcements Offices at Different Locations**

CDA should establish Enforcement offices at different sites to ensure stoppage of illegal schemes and illegal construction.

12. **CDA-ICT Administration Coordination**

It was observed that ICT administration and CDA don't have a fast coordination mechanism. With regard to housing schemes, at times the ICT administration and CDA rules work at cross purposes. The CDA and ICT administration shall remove such anomalies and align their rules. Specifically, ICT administration shall obtain NOC from CDA before entering a registered document in the name of an individual who purchase a plot in housing schemes in CDA limits.


(RABEEA ANWAR)
J.S / Secretary Committee


(SENATOR MUHAMMAD JAVED ABBASI)
Chairman