

*to amend the Islamabad Real Estate (Regulation and Development) Act,
2020*

WHEREAS it is expedient to amend the Islamabad Real Estate (Regulation and Development) Act, 2020 (I of 2021) in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Islamabad Real Estate (Regulation and Development) (Amendment) Act, 2026.

(2) It shall come into force at once.

2. Amendment of section 21, Act I of 2021.- In the Islamabad Real Estate (Regulation and Development) Act, 2020 (I of 2021), hereinafter called as the said Act, in section 21, in sub-section (1), in clause (e), for the full stop "." occurring at the end, a colon ":" shall be substituted and thereafter, the following provisos shall be added, namely:-

"Provided that where the Local Government constituted under any law for the time being in force is dissolved and a vacancy occurs in the office of the Mayor of Islamabad, the total membership of the Selection Committee shall consist of the members other than the Mayor of Islamabad:

Provided further that no action or decision taken by the Selection Committee shall be invalid, nor shall it be called into question, solely on the ground of the existence of a vacancy therein or the absence of any member from any meeting thereof."

3. Amendment of section 52, Act I of 2021.- In the said Act, in section 52,-

- (a) in sub-section (4), after the word "Islamabad" the expression ", or in his absence, in consultation with the Secretary of the Ministry to which the business under this Act stands allocated," shall be inserted; and
- (b) in sub-section (5), for the full stop "." occurring at the end, a colon ":" shall be substituted and thereafter, the following new proviso shall be added, namely:-

"Provided that no action or decision taken by the Selection Committee shall be invalid, nor shall it be called into question, solely on the ground of the existence of a vacancy therein or the absence of any member from any meeting thereof."

4. Amendment of section 57, Act I of 2021.- In the said Act, in section 57,-

- (a) in sub-section (1), after the word "Islamabad" the expression ", or in his absence, in consultation with the Secretary of the Ministry to which the business under this Act stands allocated," shall be inserted;
- (b) in sub-section (2), after the word "Islamabad" the expression ", or in his absence, by the Secretary of the Ministry to which the business under this Act stands allocated," shall be inserted; and

- (c) in sub-section (3), after the word "Islamabad" occurring twice, the expression ", or in his absence, by the Secretary of the Ministry to which the business under this Act stands allocated," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Islamabad Real Estate (Regulation and Development) Act, 2020 (I of 2021) ("the Act") provides a regulatory framework for the development and regulation of real estate activities in the Islamabad Capital Territory. Among other provisions, the Act establishes the composition and functions of the Selection Committee responsible for appointments under the regulatory framework and defines the procedural responsibilities of key office-holders.

It has been observed that certain procedural ambiguities in the Act may give rise to uncertainties, particularly in circumstances where the office of the Mayor of Islamabad falls vacant or the Secretary of the relevant Ministry is unable to attend or participate in meetings of the Selection Committee. Such situations, if not addressed, could potentially be used to challenge the validity of decisions taken by the Selection Committee, thereby hampering the effective functioning of the regulatory framework and delaying developmental and regulatory initiatives in the Capital Territory.

The proposed amendments seek to clarify and strengthen the law by ensuring that where the Local Government is dissolved and the office of the Mayor of Islamabad remains vacant, the Selection Committee may continue to function with its remaining members without any risk of invalidity in the absence of any member, including the Mayor or the Secretary of the Ministry concerned, shall not render any action or decision of the Selection Committee void or subject to legal challenge and in sections 52 and 57, provision is made for the Secretary of the Ministry to exercise responsibilities in the absence of the Mayor, ensuring continuity in administrative functions and decision-making processes.

These amendments are intended to ensure the uninterrupted functioning of the Selection Committee, enhance administrative efficiency, and safeguard the validity of decisions taken under the Act, while maintaining the integrity and objectives of the original legislation.

It is, therefore, expedient to amend the Islamabad Real Estate (Regulation and Development) Act, 2020, to provide for these clarifications and safeguards, as set out in the Bill.

SENATOR MOHSIN AZIZ
MEMBER-IN-CHARGE