

[AS PASSED BY THE SENATE]

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BILL

to provide for an efficacious and speedy mechanism for issuance of Letters of Administration and Succession Certificates

WHEREAS it is expedient to provide for an efficacious and speedy mechanism for facilitating issuance of Letters of Administration and succession certificates, aimed at curtailing fraud and forgery;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- This Act may be called the Letters of Administration and Succession Certificates Act, 2020.

(2) It shall extend to the whole of Islamabad Capital Territory.

(3) This Act or any part thereof shall come into force on such dates as the Government may, by notification in the official Gazette, appoint.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(a) "Authority" means the National Database and Registration Authority established under section 3 of the Ordinance;

(b) "factual controversy" includes an objection by legal heirs or by any claimant of legal heirship, any dispute which may arise in establishing the identity of legal heirs which is not resolvable by the Authority or any situation, matter or event requiring adjudication or recording of evidence or where at least one of the legal heirs is a minor;

(c) "Government" means the Federal Government;

(d) "legal heir" means a person who has entitlement to a share in the property of the deceased;

(e) "Ordinance" means National Database and Registration Authority Ordinance, 2000 (VIII of 2000);

(f) "prescribed" means prescribed by rules; and

(g) "rules" means the rules made under this Act.

3. Issuance of Letters of Administration or Succession Certificates.-

Notwithstanding anything contained in any other law for the time being in force, the Authority may issue Letters of Administration or Succession Certificates, as the case may be, to the legal heirs of a deceased in respect of immovable or movable property, in accordance with the Family Registration Certificate maintained by the Authority.

4. Establishment of Succession Facilitation Unit.- (1) The Authority shall establish a Succession Facilitation Unit for the purpose of receipt, processing and assessment of applications for grant of Letters of Administration and Succession Certificates.

(2) For the purpose of sub-section (1), the Authority may notify and of its existing offices as Succession Facilitation Unit, at such place or places as it may deem appropriate.

(3) The Authority may, from time to time, appoint officers, staff, experts, consultants, advisers and other employees, on such terms and conditions as it may deem fit, for the purpose of carrying functions under this Act.

5. Functions of the Succession Facilitation Unit.- The Succession Facilitation Unit shall perform the following functions, namely:-

- (a) receive applications for grant of Letters of Administration and Succession Certificates, as the case may be, from legal heirs of the deceased;
- (b) process and assess the applications by way of a summary enquiry as prescribed, and in case of any factual controversy amongst the legal heirs decline to assess the applications for filing afresh before the appropriate forum in accordance with the provisions of the Succession Act, 1925 (XXXIX of 1925) or any other applicable law;
- (c) maintain an online portal providing for updated record of the Letters of Administration and Succession Certificates issued under this Act; and
- (d) discharge or perform such functions as are incidental, ancillary or necessary for carrying out the purposes of this Act.

6. Application for Letters of Administration or Succession Certificates.-

(1) An application for grant of Letter of Administration or Succession Certificate, as the case may be, shall be made to the Authority by the legal heirs:

Provided that legal heirs may also authorize in the prescribed form, one amongst themselves, to act on behalf of all other legal heirs, for the purpose of filing an application under this Act.

(2) An application may be filed in the notified office of the Authority within whose jurisdiction the deceased ordinarily resided at the time of his death, or within whose jurisdiction any property or asset of the deceased is located.

(3) The following documents shall be appended along with the application,-

- (a) death certificate of the deceased;
- (b) list of the legal heirs and copies of their national identity cards;
- (c) an authorization in the prescribed form by the legal heirs in favour of the applicant as provided in proviso to sub-section (1); and
- (d) details of immovable and movable property in respect of which the Letter of Administration or Succession Certificate is applied for.

(4) Upon receipt of the application, a notice to the general public shall be published on a web portal to be maintained by the Authority and in one English language and one Urdu language daily newspaper of wide circulation.

(5) Where no objection or claim is received within fourteen days of the publication of notice, the Authority shall, in any of its notified office, obtain the bio-metric verification of the applicant and all the legal heirs:

Provided that where bio-metrics of a legal heir is not verified, the Authority may require the legal heir to appear in person before the Authority on a date fixed by the Authority:

Provided further that the Authority may resort to any other modern device with a view to satisfying itself as to the identity of any legal heir.

Explanation: The bio-metric verification can be undertaken at any notified office within Pakistan or abroad.

(6) Upon satisfactory compliance of the codal formalities mentioned in this section, the applicant shall appear before the Authority on a date fixed by it, whereafter the Authority shall issue the Letter of Administration or Succession Certificate, as the case may be, in favour of all legal heirs of deceased with details of their respective shares as provided in the personal law of such legal heirs.

(7) The Letters of Administration or Succession Certificates issued under this Act shall have the same effect as if the same have been issued under the Succession Act, 1925 (XXXIX of 1925).

7. Forms of Letters of Administration and Succession Certificates.- Letters of Administration and Succession Certificates shall be issued, as nearly as circumstances admit, in the forms prescribed by the Authority.

8. Objection to the Letters of Administration and Succession Certificates.- Any person objecting to Letters of Administration or Succession Certificates, as the case may be, after the issuance of the Letters of Administration or Succession Certificates by the Authority, may seek remedies available under any other applicable law.

9. Fee and costs.- (1) The Authority may charge the prescribed fees or other sums for its services under this Act including sums incurred on publication of public notice.

(2) The charges or sums received under sub-section (1) shall be credited to the NADRA Fund established under section 24 of the Ordinance.

10. Bar of jurisdiction.- No court shall exercise jurisdiction till such time the Authority declines to process application for issuance of the Letters of Administration or Succession Certificates by the Legal heirs.

11. Penalty, offences and trial.- The provisions in relation to offences, penalties and trial mentioned in Chapter IX of the Ordinance shall apply *mutatis mutandis* under this Act.

12. Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

13. Power to make rules.- The Government, may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Upon the death of an individual, the legal heirs languish in courts for years before they are able to obtain letters of administration (for immovable properties) and succession certificates (for movable properties). Nearly half of the population of Pakistan is likely to be involved in litigation, whereby courts are required to issue orders for the grants of Letters of Administration and Succession Certificates. Via this legislation, wherever, NADRA has a Citizen Database, and there is no dispute amongst the legal heirs, it may, after inviting public objections in newspapers, issue Letters of Administration and Succession Certificates, without the need of approaching courts. This law will also prevent fraudulent practice where there is no facility to swear affidavits through a bio-metric NADRA facility. The mechanism envisaged in the statute shall considerably reduce the burden on the courts.

MINISTER-IN-CHARGE