

## NATIONAL ASSEMBLY SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE LETTERS OF ADMINISTRATION AND SUCCESSION CERTIFICATES BILL, 2019

1. Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill to provide for an efficacious and speedy mechanism for issuance of Letters of Administration and Succession Certificate [The Letters of Administration and Succession Certificates Bill, 2019] (Government's Bill) referred to the Committee on 2<sup>nd</sup> May, 2019.

2. The Committee comprises the following:-

1. Mr. Riaz Fatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lal Chand	Member
4. Mr. Muhammad Farooq Azam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel	Member
8. Malik Muhammad Ehsan Ullah Tiwana	Member
9. Agha Hassan Baloch	Member
10. Mr. Sher Ali Arbab	Member
11. Ms. Shunila Ruth	Member
12. Mr. Saad Waseem	Member
13. Rana Sana Ullah Khan	Member
14. Ch. Mehmood Bashir Virk	Member
15. Mr. Usman Ibrahim	Member
16. Khawaja Saad Rafique	Member
17. Syed Hussain Tariq	Member
18. Syed Naveed Qamar	Member
19. Dr. Nafisa Shah	Member
20. Ms. Aliya Kamran	Member
21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meetings held on 7<sup>th</sup> May, 15<sup>th</sup> May and 10<sup>th</sup> June, 2019 and recommended that the Bill may be passed by the National Assembly.

Sd/-  
TAHIR HUSSAIN  
Secretary  
Islamabad, the 13<sup>th</sup> June, 2019

Sd/-  
RIAZ FATYANA  
Chairman

## [AS REPORTED BY THE STANDING COMMITTEE]

A

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.-** (1) This Act may be called the Letters of Administration and Succession Certificates Act, 2019.

(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.

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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 any 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