PART III
Other Notifications, Orders, etc.

SENATE SECRETARIAT
Islamabad, the 31st January, 2020

No. F. 9(9)/2020-Legis.—Pursuant of sub-rule (4) of rule 194 of the Rules of Procedure and Conduct of Business in the Senate, 2012, the following report of the Standing Committee presented to the Senate on 31st January, 2020, is published for information:—

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “THE LETTERS OF ADMINISTRATION AND SUCCESSION CERTIFICATES BILL, 2020”

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Letters of Administration and Succession Certificates Bill, 2020” as passed by the National Assembly and introduced in the Senate on 14th January, 2020. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:—
1. **Senator Muhammad Javed Abbasi**  
   Chairman

2. Senator Mian Raza Rabbani  
   Member

3. Senator Farooq Hamid Naek  
   Member

4. Senator Ghaus Muhammad Khan Niazi  
   Member

5. Senator Siraj-ul-Haq  
   Member

6. Senator Syed Muzafar Hussain Shah  
   Member

7. Senator Ayesha Raza Farooq  
   Member

8. Senator Muhammad Ali Khan Saif  
   Member

9. Senator Musadik Masood Malik  
   Member

10. Senator Mustafa Nawaz Khokar  
    Member

11. Senator Sana Jamali  
    Member

12. Senator Walid Iqbal  
    Member

13. Senator Zeeshan Khanzada  
    Member

14. Minister for Law and Justice  
    Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 22nd and 24th January, 2020, respectfully, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 24th January, 2020, which was attended by the following members:—

   i. Senator Muhammad Javed Abbasi
   ii. Senator Ghaus Muhammad Khan Niazi
   iii. Senator Siraj-ul-Haq
   iv. Senator Ayesha Raza Farooq
   v. Senator Muhammad Ali Khan Saif
   vi. Senator Sana Jamali
   vii. Senator Zeeshan Khanzada

4. The Ministry of Law and Justice briefed the Committee that the proposed Law provides for an efficacious and speedy mechanism for issuance of letters of Administration and Succession Certificates aimed at preventing identity fraud and forgery by NADARA. The proposed law either the whole law of part thereof, for the time being, shall extend only to Islamabad Capital Territory and will come into force on such dates as are notified by the Government. NADRA shall be authorized to issue Letters of Administration or Succession Certificates
to the legal heirs of a deceased in respect of immovable or movable property, in accordance with Family Registration Certificate maintained by NADRA, where there is no “dispute” amongst the legal heirs. “Dispute”, for this purpose has been defined, *inter alia*, as an objection by legal heirs or by any claimant of legal heirship, any complication which may arise in establishing the identity of legal heirs or any situation, matter or even requiring adjudication or recording of evidence or where at least one of the legal heirs is a minor. NADRA shall establish or notify any of its offices, domestic or abroad, as Succession Facilitation Unit(s) (SFU) for the purpose of receipt, processing and assessment of applications and issuance of the Letters of Administration and Succession Certificates. The SFU shall receive, process and assess the applications by way of a summary enquiry and in case of any dispute 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. Unless NADRA declines to process an application for issuance of the Letters of Administration or Succession Certificates by the legal heirs, jurisdiction of the courts has been barred. Prior to issuance of Letters of Administration or Succession Certificates, NADRA shall issue a notice to the general public on a web portal and daily newspapers of wide circulation. NADRA is also required to obtain bio-metric verification of the applicant and all the legal heirs before issuance of the letters of administration or succession certificates under the proposed law. NADRA while conducting verification of legal heirs and applicant will be permitted to resort to all available modem devices including bio-metric verification. Any person who knowingly makes any false statement of furnishes any false information shall be punishable with rigorous imprisonment. The letters of administration or succession certificates issued under this law shall be in favour all legal heirs of deceased with details of their respective shares as provided in the personal law of such legal heirs. Any aggrieved person may seek remedies available under the law against the issuance of Letters of Administration or Succession Certificates by the Authority. NADRA has been authorized to appoint employees, experts and consultants etc. on such terms and conditions to be specified by NADRA. NADRA is also required to maintain an online portal providing for updated record of the Letters of Administration and Succession Certificates issued under the proposed legislation. NADRA may also charge fees or other sums for its services including sums incurred on publication of public notice. All the charges or sums of collected shall then be credited to the NADRA Fund. The proposed legislation has been given an overriding effect. Most importantly, the procedure prescribed these days take several years before letters of administration or succession certificates could be issued by the courts which in any even use NADRA date. However, in the proposed legislation, letters of administration or succession certificates could be issued within 15 days. The proposal is for ICT. Other provinces need to pass similar laws.
Consideration of Bill in the meeting dated 22nd January, 2020

5. Senator Farooq Hamid Naek inquired about the provision of Family Registration Certificate in the National Database and Registration Authority Ordinance, 2000. He further asked about the appellate authority in case of rejection of issuance certificate by NADRA. He also sought clarity as to the phrase “in any other law” used in clause 12. Ministry of Law and Justice in response to the queries raised by Senator Farooq Hamid Naek clarified, that family registration certificate is a prescribed certificate issued by NADRA. Furthermore, the term “any other law” as provided in Section 12 includes laws relevant to the subject matter.

6. The Committee also sought input from NADRA as the main stakeholder for operationalization/application of this law will be NADRA. Chairman NADRA assured the Committee that NADRA is committed to provide full support and assistance for effective implementation of the proposed law.

Final Consideration of Bill in the meeting dated 24th January, 2020

7. The Committee noted that keeping in view the difficulties being faced by citizens in obtaining succession certificate, the Chairman Senate had referred this matter to the Standing Committee in order to explore the possibility of declaring family registration certificate as succession certificate. Thereafter, the Committee held extensive deliberations and on the basis of said deliberations the Ministry of Law and Justice drafted this Bill.

8. The Chairman Committee pointed out that in case of rejection of grant of certificate no right of appeal has been provided, resultantly people will be forced to make recourse to the prevailing legal system which might cause difficulties and result in excessive litigation. The Ministry of Law and Justice made reference to Clause 8 of the Bill and informed that the remedies will have to be sought under other available law.

9. Senator Ayesha Raza Farooq was of the opinion that such an important legislation should not be made in haste. She added that proposals by the Committee Members to rectify the flaws therein in order to ensure of the Committee that enactment of this law shall mitigate litigation and provide speedy mechanism for obtainment of succession certificate.

10. Senator Muhammad Ali Khan Saif pointed out that the phrase letter of administration used in the titled of this law has not been defined in the Bill. The source of evidence of this succession certificate would be the Family Registration Certificate (FRC) which will be a computer generated document and not protected from errors/flaws. He was of the opinion that this may widen the scope of litigation as the affectless will also include NADRA along-with other
parties in the array of defendants. He further deliberated that right to inheritance is provided through legal and judicial mechanism, however, this Bill provides that this would be dealt by a certificate of succession issued by NADRA on the basis of its record hence it may result in converting a judicial/quasi-judicial function into an administrative function which may have repercussions on this important Islamic legal right. The Hon’ble Senator also made reference to the preamble of the Bill and objected to limiting the aim to “curtailing fraud and forgery”.

11. The Ministry of Law and Justice made reference to clause 4 and briefed that the existing set up of NADRA will not be performing functions with regard to issuance of succession certificate, as a Succession Facilitation Unit (SFU) will be established comprising of experts, consultants, advisors and other employees to undertake functions under the law. Therefore, the quasi-judicial function will not be performed by the administrative authority rather experts will be engaged in the process.

12. Senator Siraj-ul-Haq gave a note of dissent which is annexed as “A”.

13. The Minister for Parliamentary Affairs assured the Committee that after the passage of this Bill, the Government will bring amending legislative proposal to address the issues raised by the Members.

14. The Chairman Committee put the Bill to the vote of the Committee, wherein all Members present except Senator Siraj-ul-Haq voted in favour of the Bill.

15. Accordingly, the Committee recommends that “The Letters of Administration and Succession Certificates Bill, 2020”, as passed by the National Assembly and introduced in the Senate, may be passed by the Senate of Pakistan. (Copy of Bill as passed by the National Assembly and introduced in the Senate is annexed as “B”).

Sd/-
(RABEEA ANWAR)
J.S/Secretary Committee.

Sd/-
(SENATOR MUHAMMAD JAVED ABBASI)
Chairman
Standing Committee on Law & Justice.
Annex “A”

کتنج، کنتنگ تھتمن
قانونی کتمند کی اعلان اور امور
سہیلت ان پاکستان
اسلام آباد
اسلام علیکم ورحمة اللہ

اتنی تھت

گزشتہ سال میں ہمیں سے پہلے الیکس، جاہنگیر آباد داروغہ سردار ہیں 2020ء کے ویڈیو کی آئی کی سیم کے معروف بھی نے کتھے کہ ہمیں کسی طرف سے میزائل جیارے کے جھنڈے پر کپڑا کیا ہے۔ ہمیں آپ کے افراز ومقاصرہ کئے گئے جہاں جاہنگیر آباد کے لیے ہمیں فرخزاد کیا ہے۔ ہم کے اس کاولن کی شورت جنہیں میری، صدارت پر میری، بیٹھتی ہیں، ہمیں مکمل 1925ء میں اکثر

دیکھیں جا چیتیں...

4 نظرے کے کسان کے کلا ہزار کیوں ہے کہ نما ہے کہ مختار، ان اور کہ اہم ہے۔ کہر کا کہر کا دعا ہے۔ میری اور میری کی کہاں ہے۔

5 نظرے کہا ہے کہ، ہماری کہا ہے کہ کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔ ہماری کہا ہے۔
Annex-B

[AS PASSED BY THE NATIONAL ASSEMBLY]

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, 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 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
(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 Administraton 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 OBJECT 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’s 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 biometric NADRA facility. The mechanism envisaged in the statute shall considerably reduce the burden on the courts.

Minister-in-Charge

DR. AKHTAR NAZIR,
Secretary.