

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 28TH APRIL, 2021

NO.PAS/Legis-B-03/2021-The Sindh Letters of Administration and Succession Certificates Bill, 2021 having been passed by the Provincial Assembly of Sindh on 29th March, 2021 and assented to by the Governor of Sindh on 23rd April, 2021 is hereby published as an Act of the Legislature of Sindh.

THE SINDH LETTERS OF ADMINISTRATION AND SUCCESSION

CERTIFICATES ACT, 2021
SINDH ACT NO. VII OF 2021

AN
ACT

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 providing transparent and expeditious relief in the Province of Sindh;

It is hereby enacted as follows.-

1. (1) This Act may be called the Sindh Letters of Administration and Succession Certificates Act, 2021.

(2) It shall extend to the whole of the Province of Sindh.

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

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

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

(b) "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 Government of Sindh;

Short title,
extent and
commencement.

Definitions.

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

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

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

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

3. 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 movable or immovable property, in accordance with the Family Registration Certificate maintained by the Authority.

4. (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 or 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. 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 or their legal counsel;

(b) process and assess the applications by way of a summary enquiry as prescribed, and in case of any 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;

(Cc) maintain an online portal providing for updated record of the Letters of Administration and Succession Certificates issued in the Province of Sindh, under this Act; and

(d) discharge or perform such functions as are incidental, ancillary or necessary for carrying out the purposes of this Act.

Issuance of Letters
of Administration
or Succession
Certificates.

Establishment of
Succession
Facilitation Unit.

Functions of the
Succession
Facilitation Unit.

6. (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 or their legal counsel:

Provided that the legal heirs may also authorize in the prescribed form issued by the Authority, 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 alongwith 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 movable and immovable property in respect of which the Letter of Administration or Succession Certificate is applied for.

(4) Within fourteen (14) days of the receipt of the application, a notice to the general public shall be published on a web portal to be maintained by the Authority and one notice each in English, Urdu and Sindhi 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 him 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 completion 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

Application for

Letters of
Administration or
Succession Certificates.

of all legal heirs of deceased with details of their respective shares as provided in the personal law of such legal heirs:

Provided that all the codal formalities shall be completed and Letter of Administration or Succession Certificate, as the case may be, shall be issued by the Authority within fourteen days after the notice period mentioned under sub-section (5) has elapsed.

(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. Letters of Administration and Succession Certificates shall be issued in the forms prescribed by the Authority.

8. (1) 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, within thirty days against the decision of the Authority by filing an appeal or application, as the case may be, before the court of competent jurisdiction.

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

(2) The charges or sums received under sub-section (1) shall be credited to the National Database and Registration Authority's Fund established under section 24 of the Ordinance.

10. No Court shall exercise jurisdiction till such time the Authority decline to process the application for issuance of the Letters of Administration or Succession Certificates, by the legal heirs or their legal counsel.

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

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

13. Government, may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Forms of Letters of
Administration and
Succession Certificates.

Objection to the
Letters of
Administration and
Succession Certificates.

Fee and costs.

Bar of jurisdiction.

Penalty, offences and trial.

Act to override other laws.

Power to make rules.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ

SECRETARY

PROVINCIAL ASSEMBLY OF SINDH