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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 07th February, 2022.

No.PAB/Legis:V(01)/2022/ 7567. The Balochistan Letters of Administration and Succession Certificates Bill, 2022 (Bill No.01 of 2022), having been passed by the Provincial Assembly of Balochistan on 24th January, 2022 and assented to by the Governor Balochistan, on 28th January, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN LETTERS OF ADMINISTRATION AND SUCCESSION CERTIFICATES ACT, 2022
ACT NO. I OF 2022.

AN
ACT

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

Preamble. 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 Balochistan Province;

It is hereby enacted as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Letters of Administration and Succession Certificates Act, 2022.

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

(3) It shall come into force at once.

Definitions.

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 or evidence or where at least one of the legal heirs is a minor;

c) **"Government"** means the Government of Balochistan;

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 (ORDINANCE NO. VIII of 2000);

f) **"Prescribed"** means prescribed by rules; *and*

g) **"Rules"** means the rules made under this Act.

Issuance of Letters of Administration or Succession Certificates.

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.

Establishment of Succession Facilitation Unit.

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 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.

Function of the Succession Facilitation Unit.

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 application for filing afresh before the appropriate forum in accordance with the provisions of the Succession Act, 1925 (ACT NO. 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 in the Balochistan, Province, under this Act; *and*

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

Application for Letters of Administration or Succession Certificates.

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 along-with the application:-

a) death certificate of the deceased;

b) list of the legal heirs and copies of their computerized 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 Letters 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 an web portal to be maintained by the Authority and one notice each in English and 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 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 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 (ACT NO. XXXIX of 1925).

Forms of Letters of Administration and Succession Certificates.

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

Objection to the Letters of Administration and Succession Certificates.

8. 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.

Fees and costs.

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.

Bar of Jurisdiction.

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.

Penalty, offences and trial.

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

Act to override other laws.

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

Power to make rules.

13. The Government may within six (6) months, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(01)/2022. Dated Quetta, the 07th February, 2022.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan Gazette. Before final printing, a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(01)/2022. Dated Quetta, the 07th February, 2022.

A Copy is forwarded for information and necessary action:-

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department, Quetta.
4. The Director General, Public Relations, Balochistan, Quetta.
5. The System Analyst, Balochistan Provincial Assembly.
6. P.S. to Secretary, Balochistan Provincial Assembly.

07/02/2022

Special Secretary (Legis:)