THE AGA KHAN PROPERTIES (SUCCESSION AND TRANSFER) ACT, 2025.

SINDH ACT NO. IX OF 2025.

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SINDH ACT NO. IX OF 2025.

[02ND JUNE, 2025.]

AN ACT to provide for automatic and undisputed succession and transfer of properties of Aga Khan to the successor of Aga Khan of the Shia Imami Ismaili Muslims.

Preamble.

WHEREAS it is expedient to provide for automatic and undisputed succession and transfer of properties of Aga Khan to the successor of Aga Khan of the Shia Imami Ismaili Muslims, ensuring the continuity of custodianship and administration of such properties without the need for probate, succession certificates, or other legal processes to each successor Imam, and to provide for matters connected therewith or ancillary thereto.

AND WHEREAS the Imam of the Shia Imami Ismaili Muslims, being the spiritual leader of the Shia Imami Ismaili Muslims, holds unique religious, spiritual, cultural, and historical significance;

AND WHEREAS His Highness Prince Karim Al Hussaini Aga Khan IV, in his capacity as the Forty-Ninth Imam of the Shia Imami Ismaili Muslims, owned or possessed or controlled over certain movable and immovable properties situated within the Province of Sindh;

AND WHEREAS in order to pay tribute to the services rendered by His Highness Prince Karim Al Hussaini Aga Khan IV, the Province of Sindh recognizes the extraordinary contributions and invaluable services rendered by His Highness Prince Karim Al Hussaini Aga Khan IV towards the social, cultural, educational, economic, and humanitarian development of the people of Sindh and of Pakistan.

It is hereby enacted as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Aga Khan Properties (Succession and Transfer) Act, 2025.

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

(3) It shall come into force at once and shall be deemed to have taken effect on and from the 4 February 2025.

Definitions.

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

(a) "Aga Khan" means the person who is recognized in accordance with the traditions of the Shia Imami Ismaili Muslims as the Imam of the Times or as the Hazar Imam of the Shia Imami Ismaili Muslims;

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(b) "Department" means the Board of Revenue of Government of Sindh;

(c) "Government" means the Government of Sindh;

(d) "property" includes all moveable and immoveable properties, rights, interests, assets, titles, shares, securities, investments, trusts, and any other property of any nature whatsoever, situated within the Province of Sindh, which are now or any time hereafter held, owned, possessed, controlled, or beneficially enjoyed by the Aga Khan in his personal, official or institutional capacity, whether directly or indirectly, including properties held through nominees, trusts, foundations, or any other legal entity, except those movable and immovable properties that are specifically excluded by the Aga Khan in accordance with the procedure specified in section 4.

Automatic succession and vesting of properties.

3. (1) Notwithstanding anything contained in any other law, for the time being in force, all properties situated within the Province of Sindh shall, on the demise of the Aga Khan, by succession automatically and immediately vest in and belong to the person who succeeds the Aga Khan without any probate, succession certificate, letters of administration, court order, registration of any instrument, transfer, mutation or any other legal or administrative formality whatsoever.

(2) The validity of such vesting and transfer shall not be questioned or challenged in any court or forum, or proceeding by any person, nor shall such vesting and transfer be subject to any inquiry, approval or condition under any law, for the time being in force.

Exception for specific dispositions made by the Aga Khan.

4. (1) Notwithstanding anything contained in this Act, the provisions of automatic succession and vesting under section 3 shall not apply to any specific property, which the Aga Khan, by a will, trust deed, gift, directive, or any other instrument executed during his lifetime, specifically disposes of, bequeaths, gifts, or otherwise transfers to any person, entity, or charitable institution other than the succeeding Aga Khan or any property which the Aga Khan informs the Department, in writing, are excluded for the purview of such automatic succession.

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(2) Any such disposition, bequest, gift, or transfer made in accordance with sub-section (1) shall take effect in accordance with the will, trust deed, gift, directive or other instrument, and the property so disposed of shall stand excluded from the operation of this Act.

(3) Nothing in this section shall affect the operation of automatic succession provided under this Act.

Official recognition and recording of successor Imam as the owner of the Properties.

5. (1) All authorities including but not limited to revenue authorities, municipal bodies, land registries, development authorities, financial institutions, corporate registries, and any other office or authority within the Province of Sindh shall, on commencement of this Act, mutate all the properties in the name of successor Aga khan and update all records to reflect the successor Aga Khan as the lawful owner of the properties, without further inquiry, proof, or formality.

(2) The contents of this Act shall be circulated by the Department to all the relevant authorities as mentioned in sub-section (1), upon being satisfied that the successor Aga Khan has been duly recognized by the Shia Imami Ismaili Muslims in accordance with their religious and historical traditions.

Exemption from taxes, fees and duties.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the transfer by way of succession of the properties from the Aga Khan to his successor, and the vesting of the properties in the successor Aga Khan, shall–

(a) be exempt from stamp duties, registration fees, capital value tax, provincial or local taxes, levies, charges, or any other fiscal imposition, whatsoever; and

(b) not be treated as a transfer for the purposes of taxation or any financial liability under any law relating to property, transfer of property, or revenue records.

(2) No authority shall charge any fee or duty for the mutation, updating or amendment of revenue record or any other record in connection with such transfer or succession.

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Bar to legal challenge and exclusion of jurisdiction.

7. (1) No court, tribunal, or authority shall entertain any suit, application, petition, or proceeding challenging or questioning –

(a) the succession of Properties to the successor Aga Khan;

(b) the validity of the transfer to and vesting in the successor Aga Khan of the properties; or

(c) the entitlement of the successor Aga Khan to the Properties.

(2) No provision of any other law, including but not limited to the Succession Act, 1925, the Muslim Personal Law (Shariat) Application Act, 1962, the Muslim Family Law Ordinance 1961, the Sindh Trusts Act, 2020, or any law relating to inheritance, gifts, wills, or succession, shall apply to the properties to the extent that they are covered under this Act.

Saving.

8. Nothing in this Act shall affect –

(a) the spiritual, religious, and institutional authority of the Aga Khan or the successor Imam with respect to the Shia Imami Ismaili Muslims;

(b) any disposition, transfer, or alienation of any property made by the Aga Khan during his lifetime;

(c) any private settlement or arrangement made within the family of the Aga Khan or his community in relation to any property not covered by this Act.

Power to make rules.

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

Removal of difficulties

10. If any difficulty arises in giving effect to any provision of this Act, the Government of Sindh may, by order, take such measures as it considers necessary to remove the difficulty.

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Act to override other laws

11. (1) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act and notwithstanding any decree or order of any court, tribunal, commission or other authority. In the event of any conflict between the provisions of this Act and any other law, the provisions of this Act shall prevail.

(2) Nothing contained in any other law for the time being in force shall apply to any matter regulated by this Act

Transitional Application.

12. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, all Properties, as defined in this Act, which were held, owned, possessed, or controlled by His Highness Prince Karim Aga Khan IV, the 49th Imam of the Shia Imami Ismaili Muslim community, and which are situated within the Province of Sindh, shall, by succession, be deemed to have vested in and transferred to His Highness Prince Rahim Al-Hussaini Aga Khan, the 50th Imam, on the date of his succession as Imam, in the same manner and to the same extent as if this Act had been in force on that date.

(2) The provisions of Sections 3, 4, and 6 shall apply mutatis mutandis to the updating of all revenue, corporate, and official records to reflect the transfer and succession under sub-section (1).

(3) The exemption from stamp duty, registration fees, and other charges under Section 6 shall apply to all transfers, mutations, and changes of records necessary to give effect to the provisions of this section.

(4) No court, authority, or person shall question or challenge the succession, vesting, or transfer referred to in this Act on any ground whatsoever, including lack of probate, non-registration, or absence of mutation prior to the enactment of this Act.