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DISPOSITION POWERS OF ADMINISTRATORS OF THE DECEASED ESTATES IN TANZANIA

By

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Abstract

The administration of deceased estates is a fundamental aspect of legal practice, ensuring the proper and lawful distribution of a deceased person's assets. This process, often fraught with legal complexities and emotional challenges, is overseen by estate administrators entrusted with significant responsibilities and discretionary powers. These administrators must navigate myriad legal, financial, and interpersonal issues to fulfil their duties, whether appointed by a will (executors) or by the court (administrators).

Estate administration encompasses various activities, including identifying and valuing assets, paying debts and taxes, and distributing remaining assets to beneficiaries. With the duties, the administrator is invested power to dispose of movable property, sale, mortgage, leasing of, and otherwise immovable properties as long as he confers with laws of trustees of a trust of purchase. The legal framework for these activities varies by jurisdiction, reflecting different statutory provisions, case law, and regulatory guidelines. However, despite these established legal frameworks, the administration of the deceased's estate frequently encounters ambiguities and challenges, especially when the administrator exercises his powers of disposition, which complicates their decision-making process.

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INTRODUCTION

When a person passes away, the management and distribution of their estate can be quite intricate, mainly if they have not left a will or if the chosen executors cannot fulfill their duties. The court appoints an administrator to oversee the estate's affairs in such instances. This article delves into the vital role of the estate administrator, outlining their responsibilities, the legal framework governing their actions, and the distinctions between an administrator and an executor. By gaining insight into the complexities of estate administration, beneficiaries and potential administrators can approach the probate process with greater clarity and confidence.

AN OVERVIEW OF THE CONCEPT DECEASED ESTATE AND ITS COMPONENTS

A deceased estate is legally defined as the real and personal property owned by an individual at the time of death. Upon the individual's passing, estate ownership is transferred directly to their heirs, subject to the probate court's jurisdiction to settle debts and claims. Following the distribution process, the estate ceases to exist.¹

When an individual dies, their estate encompasses various assets and liabilities that require management and distribution per their will or intestacy laws. The essential components of a deceased estate include Real Property, Personal Property, Business Interests, Debts and Liabilities, Financial Obligations, Digital Assets, Miscellaneous Assets, Estate Assets Held in Trust, and Beneficial Interests. The administrator or executor is responsible for



identifying, valuing, and distributing these assets in adherence to the decedent's wishes or relevant laws while also addressing any outstanding debts and liabilities. A comprehensive understanding of the components of a deceased estate is imperative for efficient estate administration and safeguarding the interests of the beneficiaries.

ROLE OF AN ADMINISTRATOR IN MANAGING A DECEASED ESTATE

The administrator of a deceased estate is responsible for managing and distributing the assets according to the law and the deceased's wishes. An administrator's key roles and responsibilities include appointment and qualification, inventory and valuation of assets, notification and communication, managing and protecting estate assets, payment of debts and expenses, filing tax returns, distribution of assets, record-keeping and reporting, resolving disputes, and closing the estate. Administrators must adhere to legal and ethical standards to ensure fair and orderly distribution of assets.

IMPORTANCE OF UNDERSTANDING THE DISPOSITION POWERS OF AN ADMINISTRATOR

Understanding an administrator's powers regarding asset disposition is crucial for properly managing a deceased estate. It ensures legal compliance, protects beneficiaries' interests, promotes efficient estate administration, and facilitates ethical conduct. Additionally, it helps in financial prudence, tax obligations, transparency, risk management, compliance with the decedent's wishes, and legal safeguards for the administrator and beneficiaries. This comprehensive understanding is essential for ensuring a fair, lawful, and effective estate administration process.

MAIN BODY

This article will provide an in-depth analysis of the authority granted to the administrator of the deceased estate under the specific laws of inheritance in Tanzania as follows:

Appointment of an administrator

Under the law, the appointed legal representative can only deal with the deceased's properties.ⁱⁱ Such appointee is either named the executor or administrator, as the case may be. He is called the executor or executrix when the deceased has left a will capable of taking effect. In contrast, they are called the administrator or administratrix when the deceased has not left a will or a will is incapable of taking effect. Executor and administrator are notions used when there is a male appointee, while executrix and administratrix are used when there is a female appointee.

There are two scenarios when a person passes away. In the first scenario, the deceased has expressed their wishes either orally or in written form regarding the administration of their estate after their death and has named the person who will carry out their wishes. This scenario is commonly referred to as testate succession. In the second scenario, the deceased has not expressed their will regarding the distribution of their property, or their will cannot take

effect because it has been invalidated by the court for reasons related to the validity of wills. This scenario is commonly known as intestate succession.

Under the first scenario, save for an objection to the deceased's will; the court shall appoint an executor or executrix who is expected to administer the deceased estate by the will.ⁱⁱⁱ As to the second scenario, the court shall, upon application, appoint someone she deems fit to administer the estate provided he or she is of the age of majority and sound mind. Unlike intestate succession, the administrator appointed under intestate succession shall administer the deceased's estate by intestate distribution rules.^{iv}

The recent decision in Benson Benjamin Mengi & 4 Others vs. Abdiel Reginald Mengi and another (Unreported)^v reiterates guidance on when to apply testate and intestate rules of succession. Accordingly, applying testate rules of succession depends upon the validity of a will where three essential factors are considered: testamentary capacity, the testator's intentions (*animus testandi*), and formalities. If either of the elements is missing, then the estate administration will follow intestate succession rules depending on the mode of life and intention of the deceased tests.

Testamentary capacity entails making a will, examined in age, soundness of mind, and law. The landmark case was Bunks vs. Goodfellow,^{vi} where the court answered negatively whether one or more delusions of the testator were sufficient to invalidate the will based on testamentary capacity.^{vii} On age, the maker of the will need to have the age of majority or he who has reached puberty. The Indian Succession Act of 1965 requires the maker to have 18 years of Islamic law, the maker is supposed to have reached puberty, and under customary law, the maker must not be below 21 years. As to the Intention of the testator to create a will, the focus is on whether he intended to distribute his properties through a will. Factors like alcoholism, fraud, mistakes, and undue influence may vitiate the intention to create a will.

On Formalities, a will must comply with the formalities as required by the law. There are four formalities regimes: statutory law, Islamic law, and customary law. Under statutory law, the relevant statute is the Indian Succession Act of 1865 and the Hindu Wills Act of 1870, depending on the religious sect of the will's maker (the testator/testatrix). Under the Indian Succession Act, a WILL can be privileged or unprivileged. Privileged wills are those wills made by soldiers or mariners in war. Such wills do not necessarily need formalities like attestation. Unprivileged wills must comply with formalities made by testators other than soldiers in expeditions or actual warfare. The unprivileged will must be in writing, signed by the testator or on his behalf, indicating an intention to create a will, and witnessed by at least two witnesses. Under Islamic law, a person is not required to bequeath more than one-third (1/3) of the entire property through a will. The relevant case here is that of Waziri Maneno Choka vs. Abbas Choka.^{viii}

Under the mode of life test, the focus is not the lifestyle of the deceased before his death, as enunciated in the case of Re innocent Mbilinyi.^{ix} The focus of the intention of the deceased test is on the declaration made by the deceased, as stated in the case of the Late



Salum Omari Meremi.^x For the deceased with mixed or hybrid modes of life, the case of Mengi (supra) has stipulated the need to consider the most dominant mode of life to rule on applicable law.

Legal framework governing the appointment of an administrator

The bodies with jurisdiction to entertain the appointment of an administrator of the deceased estate are the same court with the power to entertain probate and administration of the estate. Two laws in Tanzania provide jurisdiction on these matters: The Probate and Administration of Estates Act^{xi} and The Magistrate Court Act.^{xii} According to part II, the Probate and Administration of Estates Act includes four bodies: the High Court of Tanzania,^{xiii} District Delegates,^{xiv} District Courts,^{xv} and Consular Officers.^{xvi} Other bodies, such as the Residents Magistrate Courts and the Primary Courts,^{xvii} are provided under the Magistrate Court Act. The primary court has original jurisdiction on probate matters of customary or Islamic origin.^{xviii} High Court has original jurisdiction over all matters relating to probate and administration of deceased estate.^{xix}

Unlike other court matters to determine the jurisdiction of the court in probate matters, the court must consider the way of life of the deceased to decide on which law to apply.^{xx} In the case of Benson Benjamin Mengi & 3 Others vs. Abdiel Reginald Mengi & another,^{xxi} it was stated that if the deceased had a hybrid way of life, for instance, a Christian who is still living a Customary way of life, then the court must ascertain as between the two modes of life (customary & Christianity) which one is dominant over another mode to conveniently determine the law applicable in the administration of the estate.

Distinction between administrators and executors

The administrator of a Deceased Estate refers to a person appointed by the court to manage and settle the estate of a deceased person who died without a will or whom the named executors are unable or unwilling to serve.^{xxii} An executor is an individual or institution appointed by the deceased's will to administer the deceased person's estate.^{xxiii} The main distinction between the administrator and executor is that the court appoints the administrator, while the deceased's last will appoint the executor. However, both roles exercise fiduciary duties and require managing the estate in a manner that is in the best interest of the beneficiaries or heirs.

Transmission of deceased estate

For a while, there has been debate in the legal arena on whether the power vested in the administrator is to dispose of the deceased's property or transmission. Transmission is defined as passing the right of occupancy, a lease, or a mortgage from one person to another by operation of law on death, insolvency, or otherwise.^{xxiv} The meaning of transmission on death by operation of the law was well explained in the case of Emmanuel Marangakis as Attorney of Antonis Anagnostou v. The Administrator General (Unreported).^{xxv} The judge demonstrated that acquiring land through inheritance is not a grant or allocation of land but rather is a transmission by operation of law of a property in the deceased's estate.

Even though the law changes have overridden this case's decision, the transmission definition still stands. The term transmission by operation of law on death is referred to as the whole process of passing the title of the deceased estate to heirs whereby the legal personal representative is required, first, to transfer the title of the deceased's estate into their name, then after discharge of debts and other liabilities the legal personal representative is required to approve. Then, the Registrar of Land will change the record of the title of the deceased's property in the register to that of the assented heir.

DISPOSITION POWERS OF ADMINISTRATOR OF DECEASED ESTATE

So importantly, upon appointment, the administrator's primary duty is to collect and distribute deceased properties.^{xxvi} Among the powers clothed to him during distribution is the power to dispose of movable and immovable properties.^{xxvii} It's a trite law that an executor or administrator has in respect of property vested in his power to dispose of movable property, as he thinks fit, and the powers of sale, mortgage, leasing, and otherwise about immovable property.^{xxviii} Therefore, It is apparent that the administrator can do what the deceased would do upon demise.

However, the law still does not determine whether the administrator must seek and obtain the heirs' consent before exercising his powers of disposition. Through case law like Mohammed Hassan vs. Mayasa Mzee and Mwanahawa Mzee,^{xxix} The Court established a principle that the administrator is not legally required to obtain consent from the heirs before the disposition of deceased property during the administration. The same stance has been reiterated in the case of Dativa Nanga vs. Jibu Group Co. Ltd and another (Unreported), it was held that;

“The seller was an administrator of the deceased estate at the time of executing the Sale Agreement; he could transfer the said property to the first respondent without the presence of other heirs. The absence of other heirs during the execution of the said Agreement could not invalidate the sale.”^{xxx}

The exact position was taken in the case of Said Mpambije Kamaga and another vs. Nyamende Swetu Fundikira and three others (Unreported); it was held that;

“The second appellant herein was not under any legal obligation to seek consent from the heirs, as there is no law which demands the administrator to seek and obtain the heirs' consent when administering the deceased's estate.”^{xxxi}

Moreover, the above decisions of the courts of record show that the sale agreement made to the *bona fide* purchaser was valid according to Rule 9 (2) (a) of the Primary Courts (Administration of Estates) Rules.^{xxxii} Provides that every bona fide payment to the administrator during his administration shall be considered valid. In the case of Philemon Vanai Saiteru Mollel vs. William Titus Mollel and another (Unreported),^{xxxiii} It was stated that, for the

buyer of the disputed property to be a bona fide purchaser, he must prove that he bought the property in good faith, believing that the vendor had a good title.

Some case laws, such as that of Mire Artan Ismail and Zainabu Mzee vs. Sofia Njati (Unreported),^{xxxiv} have also attempted to address the matter in circumstances where the grants made to the appointed executor or administrator are revoked. At the same time, they have already disposed of a part of the deceased estate to the purchaser. Some comments have been that, as the law seems to protect the purchaser at the expense of heirs, this might lead heirs to lose the deceased's estate, and their only remedy in law is to revoke the administrator's appointment without possibly regaining back the property. So, on the one hand, in exercising these powers, rules of succession in Tanzania are uncertain on whether the administrator should seek consent before exercising his powers from the heirs of the deceased's estate.

THE NEED OF REFORMATION ON THE LAWS OF SUCCESSION IN TANZANIA

Upon the law of succession, it is uncertain whether the administrator should seek consent before exercising his powers from the heirs of the deceased's estate. There is a need to reform laws of succession to avoid the following; -

Misuse of powers for personal gain by Administrators

Due to the administrators' lack of transparency, there are cases and reports of misuse of powers for personal gain. Usually, the administrator of the deceased has to dispose of the deceased's properties for the benefit of the estate. The law stipulates that unless the Will explicitly allows it, no executor or administrator can gain any financial advantage from their role.^{xxxv} The law also specifies that if an executor or administrator acquires, either directly or indirectly, any portion of the deceased's property, the transaction can be invalidated if another individual with an interest in the property or the sale proceeds requests it. Moreover, most administrators of deceased estates do not fear actions that challenge their exercise of powers. Therefore, they can proceed to dispose of movable and immovable properties without considering the benefit to the estate.

Disposition by Sale below the Market Value

When executors of deceased estates are informed that they are not obligated by law to obtain consent from heirs or beneficiaries before disposing of the deceased's assets, they tend to proceed with the disposal, primarily through sale, even if the heirs find the price unacceptable. Such undertakings below the market price are attributed to the fact that upon appointment, most administrators care about discharging their duties and closing probate proceedings irrespective of whether the beneficiaries are satisfied or not.

Difficulties in challenging the disposition

Where the heirs and beneficiaries are aggrieved by the administrator's action on the disposition of deceased assets, they knock on the court's doors for redress. However, looking at several provisions, their chances of success are minimal. Courts of record have always maintained that a person who purchases a property in

good faith within a deceased's estate, being traded by an administrator with valid letters of administration or executor of a lawful Will, will be protected if the purchase was made with no intention to deceive. A good example was the case of Mire Artan Ismail and Zainabu Mzee vs. Sofia Njati,^{xxxvi} where the Court of Appeal of Tanzania quoted with approval paragraph 446 of Halsbury's Laws of England, Volume 17, 4th Edition that;

“All conveyances of any interest in real and personal estate made to a purchaser by a person to whom probate or letters of administration have been granted are valid notwithstanding any subsequent revocation, or variation of the probate or letters of administration.”

Despite the probate law granting the administrator of the deceased's estate unlimited control over its disposal, the law also protects the rights of individuals who purchase the deceased's property in good faith. The current approach to managing inheritances often leads to heirs and beneficiaries losing access to the properties intended to benefit them, leaving them with no opportunity for recovery or recourse.

Bona fide Purchasers are fully protected

Bona fide Purchasers acquire property with trust and confidence, free from doubts regarding irregularities.^{xxxvii} Our laws protect bona fide purchasers as provided under *Rule 9 (2) (a)* of the *Primary Courts (Administration of Estates) Rules*,^{xxxviii} every bona fide payment to the administrator during his administration shall be considered valid. This similarly draws an inference from the case of Said Mpambije Kamaga and another vs. Nyamende Swetu Fundikira and three others (Supra),^{xxxix} when the sale is carried out by the executor of the deceased person's estate to the *bona fide* purchaser was deemed valid by *Rule 9 (2) (a)* of the *Primary Courts (Administration of Estates) Rules*.^{xl} The exact position is reflected under *Section 50 (1)* of the *Probate and Administration of Estate Act*,^{xli} which stipulates that;

“where any probate is, or letters of administration, revoked, all payments bona fide made to any executor or administrator under such probate or are administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same.”

Hence, the executor's mishandling of a deceased person's assets can lead to disorder, disputes, and complexities within society. This mismanagement can harm the rightful heirs and beneficiaries, potentially resulting in losing the deceased's assets. This creates legal and financial challenges and disrupts the smooth transition of assets to the intended recipients, leading to further complications and disagreements.

The Undertaking of Deceased Estate Subjected to Chaos

The law and practice that does not require the administrator of a deceased estate to obtain consent from heirs before they dispose of deceased assets may end up subjecting the estate to chaos. According to provisions of *Section 71* of the *Probate and Administration of Estate Act*,^{xlii} only after that grant of

representation can the grantee act as a representative. The relevant provision reads as follows;

“after any grant of probate or letters of administration, no person other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, until such probate or letters of administration shall have been revoked or annulled.”

From that perspective, probate law, also known as estate administration, grants court-appointed administrators or executors complete authority to manage and distribute the deceased's assets according to the terms of the will or the state laws if there is no will. This authority treats the administrators as if they were the deceased owners of the properties. This aspect of the law needs to be addressed. Distributing a property without the heirs' consent can lead to confusion and disputes, potentially resulting in legal challenges and family discord.

The Undertaking escalates the conflict among heirs

When the administrator of a deceased estate disposes of deceased assets, not all family members/beneficiaries are aggrieved. This means there would be two teams, one supporting the responsibilities of the person in charge of managing the assets and affairs of the deceased individual and the other fully objecting to it, hence escalating disputes among heirs. This is also more challenging where the deceased had more than one wife or left survivors of different mothers. With the heirs' consent, the possibility of conflict among heirs would have been minimized.

There has always been mistrust between beneficiaries and the Administrator

The disposition of a deceased individual's properties by the estate administrator, whether through sale, mortgage, or lease, often gives rise to mistrust and discord among the heirs. Failure to obtain their approval may prompt them to pursue the revocation of the administrator's appointment, particularly in response to the exercise of disposition powers. Additionally, some individuals have sought to invoke the court's revisional powers, contending that they needed to be sufficiently engaged in the process that led to the issuance of probate or letters of administration to the legal representative.

Lack of Awareness of the Legal Position

A significant factor contributing to disputes in the administration of deceased estates is the general lack of awareness within the community regarding the legal framework governing estate administration. This issue manifests in several ways. *The Probate and Administration of Estate Act*,^{xliii} and related laws provide detailed guidance on the powers and duties of administrators. However, due to their technical language and limited dissemination, these laws are often inaccessible or poorly understood by the general population.

RECOMMENDATIONS

The current legal position of succession laws in Tanzania is inadequate; hence, it needs reformation based on the powers of disposition by the administrator of a deceased estate. The following recommendations are offered for in-depth review and thoughtful deliberation:

Amendment of the law

Urgent amendments to Tanzania's *Probate and Administration of Estates Act*,^{xliv} are needed to clarify estate administrators' powers and enhance beneficiary protection. Key recommendations include requiring mandatory written consent from heirs before selling immovable properties, implementing compulsory training of administrators on their responsibilities, and establishing penalties for non-compliance to promote accountability. These changes aim to reduce disputes, encourage heir participation in decision-making, and align with customary practices, ultimately fostering a fairer and more transparent estate management process.

Furthermore, reforms that balance administrators' powers with heirs' legal rights would contribute to a transparent and equitable estate administration system.

In conclusion, amending the *Probate and Administration of Estate Act*,^{xlv} incorporating a requirement for heirs' consent, represents a crucial step toward resolving the complex challenges currently faced in estate administration. Such legislative changes would clarify existing ambiguities, diminish disputes, and harmonise legal practices with societal values, fostering a more transparent, fair, and accountable mechanism for managing deceased estates in Tanzania. Additionally, these reforms would provide essential protections for all beneficiaries' interests. The absence of a consent requirement creates serious administrative accountability issues and allows potential abuses. Legislative reform is necessary to improve transparency and protect heirs' interests in estate administration.

Enactment of regulations

In circumstances where amending the law is impracticable, it is imperative to establish regulatory frameworks to govern property dispositions. This proposition is informed by insights gleaned from interviews regarding unsurveyed land. It has been disclosed that the processing and issuance of a right of occupancy certificate should not occur unless the applicant has submitted documentation proving the approval of the deceased's heirs.

For instance, the regulations should stipulate that transferring the deceased's movable and immovable assets necessitates the heirs' consent. Furthermore, the rules should impose an obligation on the recipient of the assets to diligently verify the heirs' consent. However, to forestall the misuse of consent, the regulations may prescribe that in cases where permission is unreasonably withheld, the administrator of the deceased estate may invoke the provisions of *Section 65 of the Probate and Administration of Estate Act*,^{xlvi} as well as *Rule 105 of the Probate Rules*,^{xlvii} to seek judicial guidance. This approach would also serve the government's interests by facilitating the collection of revenue from the disposition of

deceased assets, as direct disposition by the administrator is more cost-effective than involving the heirs of the deceased estate.

Mediation Mechanism

Integrating alternative dispute resolution (ADR) methods such as mediation and arbitration into the probate process can establish a comprehensive and structured framework for effectively addressing conflicts between administrators and heirs. By implementing a well-defined ADR program, the probate process can benefit from a more streamlined and less adversarial approach to resolving disputes, ultimately leading to expedited resolutions and reduced associated legal expenses. Additionally, by mitigating the reliance on litigation, this approach can alleviate the emotional burden experienced by families during an already challenging period, thereby promoting a more harmonious and less tumultuous probate process.

Community Awareness

The government should proactively organize comprehensive and interactive seminars and training sessions to educate the community about the intricate legal aspects of estate administration. The community's lack of awareness about the legal position is a critical issue that undermines the effective administration of deceased estates. To address this, legal education initiatives should be prioritised, including public outreach programs by RITA and other stakeholders, to ensure that beneficiaries understand their rights and the responsibilities of administrators. This would reduce conflicts and promote transparency and fairness in estate administration.

Society must grasp the full scope of the administrator's powers, including the authority to sell, mortgage, lease, or otherwise transact with immovable properties. This comprehensive understanding will empower the administrator to effectively navigate the complexities of handling the deceased's estate and mitigate potential conflicts between the administrator and the heirs. Moreover, a well-informed community will significantly reduce the likelihood of unnecessary applications for the revocation or annulment of grants, leading to a more efficient and streamlined process for the court.

Courts Intervention

The courts of law play a crucial role as the ultimate arbiters of justice, especially when resolving disputes related to the distribution of power and assets within a deceased individual's estate. It is essential to ensure that all parties involved have the right to contest any dispositions that do not serve the estate's best interests. This is vital to prevent evil estate administrators from abusing their positions for personal gain.

In the event of any questionable sale or purchase of an inherited deceased estate without proper consent, the courts must intervene to declare such actions illegal. Similarly, any transactions involving inherited land must obtain the explicit approval of all heirs for the benefit of the estate. The courts should render such transactions null and void if this condition is not met. Furthermore, estate administrators should be explicitly authorized to seek court directions whenever necessary to ensure that all actions taken are

per the law and serve the estate's and its beneficiaries' best interests.

Adoption of the Default Rule

The rule concerning the sale of inherited property specifies that the consent of all heirs is required before the property can be sold. This requirement is based on the principle that each heir holds a share in the property, and any sale directly impacts the rights and interests of all the heirs involved. It is crucial to recognize that exceptions to this rule should be carefully outlined to avoid undue disruption to the existing legal framework. For instance, in certain circumstances, if the estate executor abides by the wishes articulated by the deceased in the Will, obtaining consent from all heirs may not be deemed necessary. This highlights the importance of understanding the specific circumstances and legal implications surrounding the sale of inherited property.

Action to Stop Sale

When evaluating the authority of administrators of deceased estates, it is essential to analyze the potential consequences if heirs withhold their consent carefully. This evaluation should consider the legal and financial implications for the estate and the heirs. It is essential to assess how the lack of consent from heirs could impact the distribution of assets, the resolution of outstanding debts, and the execution of the deceased's wishes as outlined in their will.

Establishing a comprehensive legal framework that empowers heirs and beneficiaries to contest any proposed distribution is crucial. This framework should outline the rights and legal avenues available to heirs and beneficiaries, ensuring they have a fair opportunity to voice their concerns and protect their interests. Additionally, it should provide clear guidelines for resolving disputes and the fair distribution of assets in cases where consent is not easily obtained.

Implementing this proactive strategy can significantly reduce the potential adverse effects on rightful heirs and beneficiaries. It would guarantee a just and impartial outcome for all stakeholders while promoting transparency and fairness in estate administration. Furthermore, it would help to minimize the likelihood of prolonged legal battles and contentious disputes, ultimately contributing to a smoother and more equitable resolution of the estate affairs.

CONCLUSION

The legal system acknowledges administrators as individuals who take on the legal responsibilities of a deceased person. Administrators are also empowered to manage the deceased person's properties, including the authority to handle movable and immovable assets. However, there have been uncertainties, questions, and conflicts surrounding the exercise of these disposition powers. Consequently, this study delves into the challenges linked to administrators' disposition powers, as their exercise has generated numerous complaints and disputes. These disputes often raise questions about the extent to which administrators can wield such powers, including the necessity of consent from the heirs.



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ENDNOTES

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- ^{vi} (1870) LR 5 QB 549
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- ^{xiii} Section 4 of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
- ^{xiv} Section 5 (2) of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
- ^{xv} Section 6 (1) of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
- ^{xvi} Section 7 (1) of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
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- ^{xxii} Section 2(1) of the Probate and Administration of Estates Act, Cap. 352 RE 2002.
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- ^{xxvi} Section 108 of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
- ^{xxvii} Section 101 of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
- ^{xxviii} Section 101 of the Probate and Administration of Estate Act, Cap. 352 R.E 2002
- ^{xxix} [1994] TLR 225 at pg. 229
- ^{xxx} CAT at Arusha, Civil Appeal No. 324 of 2020 at pg. 22.
- ^{xxxi} CAT at Tabora, Civil Appeal No. 430 of 2022 at pg. 14
- ^{xxxii} GN 49 of 1971
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- ^{xxxiv} Court of Appeal Civil Appeal No. 75 of 2008 at pg. 16
- ^{xxxv} Section 103 of the Probate and Administration of Estate Act, Cap. 352 [R.E 2002].
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- ^{xxxix} CAT at Tabora, Civil Appeal No. 430 of 2022 at p. 17.
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- ^{xli} Cap 352 [R.E 2002].
- ^{xlii} Cap 352 [R.E 2002].
- ^{xliiii} Cap 352 [R.E 2002].
- ^{xliv} *ibid.*
- ^{xlv} *ibid*
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- ^{xlvii} G.N. No. 10 of 1963.

