



**THE ISLAMIC REPUBLIC OF AFGHANISTAN**

**MINISTRY OF JUSTICE**

**OFFICIAL GAZETTE**

**EXTRAORDINARY ISSUE**

**THE LAW ON MANAGING LAND AFFAIRS**

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*(\* Unofficial English Translation)*

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**LEGISLATIVE DECREE OF THE PRESIDENT OF THE I.R. OF AFGHANISTAN**  
**ON ENDORSEMENT OF THE LAW ON MANAGING LAND AFFAIRS**

**Ref. No: 250**

**Dated: 04.03.2017**

**Article One:**

Pursuant to Article 79 of the Constitution of Islamic Republic of Afghanistan, the Law on Managing Land Affairs approved by the Cabinet of the Islamic Republic of Afghanistan on 08.02.2017 vide Resolution No. 23 in 13 Chapters and 119 Article is hereby endorsed.

**Article Two:**

The Minister of Justice and the Minister of State in Parliamentary Affairs are hereby instructed to present this Decree before the National Assembly (*Wolasi Jarga*) within thirty (30) days of the inauguration of its first session.

**Article Three:**

This Decree shall enter into force on the date of its endorsement, and shall be published in the Official Gazette along with Resolution of the Cabinet and text of the law.

**Muhammad Ashraf Ghani**

**President of the Islamic Republic of Afghanistan**

## **RESOLUTION OF THE CABINET**

### **OF THE I. R. OF AFGHANISTAN ON THE DRAFT OF THE LAW ON MANAGING LAND AFFAIRS**

**Ref. No:** 23

**Date:** 08.02.2017

Pursuant to Article 79 of the Constitution of the Islamic Republic of Afghanistan, the Draft Law on Managing Land Affairs approved by the Cabinet of the Islamic Republic of Afghanistan on 08.02.2017 by virtue of Resolution No. 23, comprising Thirteen (13) Chapters and One Hundred and Nineteen (119) Articles shall enter into force as a legislative decree.

**Muhammad Ashraf Ghani**

**President of the Islamic Republic of Afghanistan**

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## CHAPTER 1: GENERAL PROVISIONS

### ARTICLE 1: THE BASIS

This law has been enacted pursuant to Article 9(2) of the Constitution of the Islamic Republic of Afghanistan 2004.

### ARTICLE 2: OBJECTIVES

This Law has been set to achieve the following objectives:

1. Managing affairs related to land in the country;
2. Solving problems arising out of implementation of policies related to land management;
3. Recovery of lands usurped;
4. Recovery of lands distributed and possessed contrary to provisions of Shari'ah and the law in force in Afghanistan; and
5. Facilitating access to government lands for agricultural, commercial, public service, industrial purposes as per law and attracting domestic and foreign investment in the country.

### ARTICLE 3: DEFINITIONS

Unless the context requires otherwise, the following terms have been used to denote the meanings specified herein:

1. **Land:** includes all types of lands which are prescribed in this law;
2. **Ownership:** is a right on the basis of which real estate is under the will and dominance of the owner and only the owner may, within the limits set by this law and relevant regulations, take possessive actions over the same;
3. **Land Owner:** is a person who on the basis of a valid ownership document exercises dominance over the land;
4. **Real Estate:** land, building, installations and things ancillary thereto;
5. **Possessor:** is a person who does not have a valid document and falls under terms mentioned in clauses (1, 2, 3, and 4) of Article 19(1) of this law;
6. **Heirs:** are persons who according to provisions of law and Shari'ah has right to a share in inheritance/estate of the deceased;

7. **Household:** husband, wife and unmarried children;
8. **Representative in Survey and Assessment Process:** is a person who has been appointed by the landowner with confirmation of neighboring owners as representative only for the purpose of Land Survey and Assessment Process;
9. **Agricultural Land:** is a land, and includes semi-agricultural land, which is suitable for harvesting;
10. **Land Suitable for Harvesting:** first category up to third category lands;
11. **Semi-Agricultural land:** fourth category up to seventh category lands;
12. **Non-Agricultural land:** is barren and arid land not used for agriculture;
13. **Barren Land:** land which has not been cultivated;
14. **Arid Land:** land which under normal circumstances has not been cultivated for a period of more than 5 consecutive years and which can be cultivated after modifications to already existing or establishing a new irrigation system;
15. **Endowment Land:** is a land which is endowed for public or private welfare purposes;
16. **Jointly Owned Land:** is a land which is jointly owned and used by two or more persons and each of them have the right to take ownership actions regarding the land proportional to his share in the land;
17. **Piece:** It is a reference to a specified “piece” of land which is surrounded by public ownership, or by lands owned by natural or legal persons. Orchard or vineyard shall be deemed as separate and distinct “piece” even if it is part of another “piece” of land;
18. **Small Piece:** It is a reference to a piece of land which is less than 5 acres;
19. **Land Changes:** includes change in category, area, boundaries and right to water of land;
20. **Private Lands Registration Office:** is an office in which specifications related to quantity, quality, transfer and changes of piece(s) of lands held by natural or legal persons are registered after examination of the valid documents mentioned in this law;
21. **Government Lands Registration Office:** It is an office in which the government lands are registered along with their quantitative and qualitative specifications;
22. **Public Lands Registration Office:** It is an office in which the public lands are registered along with their quantitative and qualitative specifications;
23. **Private Grazing Lands Registration Office:** It is an office in which the private grazing lands are registered along with their quantitative and qualitative specifications;
24. **Endowment Lands Registration Office:** It is an office in which the endowment lands are registered along with their quantitative and qualitative specifications.

25. **Deserving Person:** is a person who is considered eligible for land distribution scheme as per provisions of this law;
26. **Person Holding No Land:** a person who does not own any piece of land and needs to own some for performing agricultural activity;
27. **Person Owning Small Land:** is a person that owns less than 5 acres of land;
28. **Farmer:** is a person who is either does not own land or owns a small land but his living depends on cultivation;
29. **Agricultural Worker:** is a person who is not landowner and takes specified wages for performing agricultural work as per agreement with the landowner;
30. **Lessee Farmer:** is a person who though is not landowner; takes a specified share from the crops/harvest for performing specified agricultural work for the owner;
31. **Land Assessment:** is a process which is performed for the purpose of determining and distinguishing private, government, public, grazing and endowment land ownership by a designated Board of concerned area according to provisions of this law;
32. **Area Measurement Form:** an official form which is used for measuring and assessing the area of land;
33. **Re-Registration Form:** an official form in which quantitative and qualitative specifications, area measurement form and valid document of piece(s) of land are registered keeping in view the declaration of the land owner; and is used for determining private, government, public, grazing (public and private) and endowment lands;
34. **Assessment Opinion:** is the final result of information that shall be recorded in re-registration form according to provisions of this law by the Assessment Board based on declarations by the owner, information mentioned in area measurement form and other valid documents;
35. **Lease:** Temporary transfer of ownership of usufruct of government land for specified purposes agreed upon by the lessor and lessee in return to payment of rent for a specified period of time;
36. **Lessor:** Ministry of Finance (“MoF”) which leases out government lands and properties mentioned in this law for a specified period of time is the lessor for the purpose of this law;
37. **Lessee:** Domestic or foreign natural or legal person can be a lessee for the purpose of this law;
38. **Rent:** Goods or usufruct paid by the lessee to lessor according to the terms and conditions of the contract is called rent;

39. **Land Usurpation:** possession, utilization, transfer, mortgage, lease of government, public, private, grazing (public and private) and endowment lands without having legal ownership documents or against provision of the law is considered land usurpation. Usurper shall be punished according to provisions of relevant laws.
40. **Official Ownership Certificate:** It is an official document issued to the landowner according to provisions of the law consequent to the land assessment process.
41. **Ownership Certificate:** It is a valid document issued subsequent to the land assessment process and issuance of Official Ownership Certificate has been substituted with a Land Ownership Deed by competent courts;
42. **Land Ownership Deed (“Qabala”):** It is a valid document whose shape and content are designed by Afghanistan Independent Land Authority (“AILA”) and is issued as per provisions of this law;
43. **Cadastral Survey:** Is a mapping service which is performed by cadastral team according to provisions of this law;
44. **Verifiers:** They include neighboring owners, head of the concerned village, local councilor or members of village council, *Mirab* and/or *Mirab Bashi* who verifies and confirms ownership of the person over the land;
45. **Neighboring Owner:** It is a reference to owner of the adjacent land;
46. **Mirab:** He is a person responsible for fair distribution of water in a small area according to law and customs of the place;
47. **Mirab Bashi:** He is a person who is responsible for fair distribution of water in a larger zone according to law and customs of the place;
48. **Taxpayer:** It is a reference to someone that has paid land tax according to provisions of the law;
49. **Tax Payment Group:** It is a reference to agricultural land in one or several villages whose tax is registered in the name of one or more persons and shall be deposited in the relevant tax office;
50. **Excess Land:** It is reference to a piece of land under possession of a person that consequent to land assessment proves to be in excess to the land registered in the title deed as his ownership;
51. **Local Measurements:** It refers to land measurement unit(s) according to customs prevailing in a concerned area;
52. **Declaration form:** It is a printed form which is distributed after August 6<sup>th</sup> 1975 for ascertaining quantity and quality of piece(s) of agriculture land owned by people as well as ascertaining the payable development tax;

53. **Government Land:** The following lands are considered governmental:
- Gardens, and watering lands which are registered in the government land register or are confirmed to be government lands as result of survey and assessment process;
  - Rainfed land, barren land, arid land, deserts, mountains, hills, mountain sides, swampland, forest, cane field, grass field, plateau and other lands registered in government registers or confirmed as governmental lands in result of surveys conducted and assessment process;
  - Land and property which as a result of assessments are not confirmed to be public land, private land, private grazing land or endowed land, as per the terms of law and Shari'ah;
  - Land and property which are registered in government documents and registers as land and property of government; and
  - Land and property which has remained in possession of the government for more than forty years before promulgation of this law;
54. **Private Land:** It covers piece or pieces of land which according to valid documents are property of natural or legal persons;
55. **Public Land:** It refers to a land which is neither the property of government nor of persons; is not under individual usage, rather it is used collectively according to provisions of law, and is supervised and regulated by the government;
56. **Grazing land:** Means lands which are not public property and are covered with forage plants, cane, and bushes which are used for grazing of livestock according to provisions of law;
57. **Public Grazing Lands:** It is that category of public lands that all the citizens of the country are entitled to use for grazing their livestock;
58. **Private Grazing Lands:** It is that category of lands that is located in a specified range for utilization by residents of a single or more adjacent villages and only they are entitled to use the land for the purpose of grazing livestock, collective use (place specified for grains storage, park, graveyard, place specified for eid and juma prayers, local markets and sport grounds) and development purposes of the convened village(s) according to provisions of the law.

#### **ARTICLE 4: IMPLEMENTING AUTHORITY**

AILA is the authority mandated to oversee implementation of this law.

## **ARTICLE 5: DIVISION OF LAND INTO ZONES**

1. AILA, with cooperation of relevant entities, may perform zoning of lands for the purpose of their effective utilization;
2. Utilizing lands that form part of zones is regulated by separate regulation devised by AILA.

## **ARTICLE 6: PROVIDING GEODESY AND CARTOGRAPHY SERVICES**

1. Geodesy and cartography services are performed by AILA; and
2. The method and management of matters related to Geodesy services, mapping, and cartography are regulated by a separate regulation.

## **ARTICLE 7: POWERS AND FUNCTIONS OF AILA**

AILA has the following functions and authority to perform:

1. Organizing registration books of lands mentioned in this law;
2. Facilitating access of the people to land according to provisions of this law;
3. Protecting the land from and taking necessary measures against land usurpation;
4. Collecting records and statistics related to land for the purpose of its utilization in the development plans of the government;
5. Distribution of governmental lands to deserving people according to provisions of this law;
6. Distinguishing private, government, public, public grazing, private grazing and endowed lands;
7. Perform registration of transfer deeds of private and government immovable properties;
8. Leasing out land and government properties through Ministry of Finance and supervision of the lease;
9. Sale of government lands for utilization in agriculture, commerce, industry and public services according to provisions of this law;
10. Distribution, exchange, and transfer of land to government authorities according to provisions of this law;

11. Facilitating domestic and foreign investment in the land management section for the purposes of agriculture, industry, commerce and public services and supervision of the same.
12. Planning and advancement of topography and cartography affairs in the country; and
13. Performing other functions mentioned in this law.

#### **ARTICLE 8: HIGH COUNCIL OF LAND AND WATER**

1. For the purpose of planning and approval of policies, ensuring coordination, providing facilities for performing major national development projects, utilizing land and water resources and supervising their efficient implementation, the High Council of Land and Water (“HCLW”) will be established. Its members are appointed by recommendation of AILA and the Ministry of Energy and Water (“MoEW”) and approval of the President;
2. AILA shall act as Secretariat of the HCLW;
3. Functions and method of performance of the HCLW are regulated according to guideline to be approved by the Council itself.

### **CHAPTER 2: MANAGING LAND AFFAIRS**

#### **ARTICLE 9: CONFIRMATION OF OWNERSHIP RIGHT**

Ownership of land is ascertained and proved by virtue of valid legal documents provided that documents suggesting otherwise or invalidating are not available.

#### **ARTICLE 10: MANAGING GOVERNMENT LAND**

1. Government lands are managed by AILA with coordination of the relevant entities;
2. Lands which neither fall in ownership of the government nor of other persons are located and managed by AILA.

#### **ARTICLE 11: MANAGING PUBLIC LAND**

1. No one, including government, is authorized to occupy, possess, purchase, sell, donate, inherit, divide, exchange, mortgage or lease Public Lands;
2. Public Interest Projects may be executed in Public Land consequent to government approval.

## **ARTICLE 12: MANAGING PUBLIC GRAZING LAND**

1. Public Grazing Lands may be collectively utilized by citizens of the country whose work is dealing with livestock;
2. Public Grazing Lands are ascertained and registered by AILA. The process for identifying Public Grazing Lands and their boundaries is regulated by a separate regulation;
3. No one may perform possessive actions in Public Grazing Lands or purchase, sell, donate, inherit, divide, exchange, mortgage or lease the same;
4. Public Interest Projects may be executed in Public Grazing Lands with prior government approval.

## **ARTICLE 13: PROHIBITING POSSESSION OF PRIVATE GRAZING LAND**

1. No one may perform possessive actions in Private Grazing Lands or purchase, sell, donate, inherit, divide, exchange, mortgage or lease the same;
2. Private Grazing Lands are protected and preserved by residents of the village(s) entitled to utilization of the same and the land is identified and registered by AILA.

## **ARTICLE 14: REGISTRATION OF PRIVATE GRAZING LAND**

1. AILA identifies Private Grazing Lands and registers them in the relevant office;
2. Matters related to demarcation of boundaries and utilization of Private Grazing Lands are regulated by a separate regulation.

## **ARTICLE 15: UTILIZING LAND WITHOUT EXPROPRIATION**

Public Interest projects on government, public grazing and private grazing lands can be performed according to provisions of this law with Land Authority's confirmation and approval of government without expropriation.

## **ARTICLE 16: TERMS FOR UTILIZING PRIVATE GRAZING LANDS**

1. Private Grazing Land can be utilized for the designated purpose according to approved plan of government.
2. Private Grazing Land cannot be subject of purchase, sale, donation, inheritance, exchange, mortgage and lease; except when public interest of the village(s) requires so and with government's approval.



3. Protection and preservation of the Private Grazing Land is a collective duty of all the residents of the village(s).

#### **ARTICLE 17: ENDOWMENT LAND**

1. Endowed land falls outside the ownership and possession of the original owner or endower and falls within the ownership of the person to whom it is endowed;
2. Endowed land and its profit /yield shall be utilized only for the purpose for which endowment was created;
3. Sale, donation, inheritance, exchange, will and other forms of creating ownership interest in the endowment lands shall remain prohibited;
4. Endowment Authority in the capital, Kabul, and provinces is obliged to register the endowment lands in the convened registration offices and preserve such lands;
5. Matters related to endowment lands are regulated by virtue of relevant legislative documents.

### **CHAPTER 3: VALID DOCUMENTS OF LAND AND PROPERTIES**

#### **ARTICLE 18: VALID DOCUMENTS OF LAND AND PROPERTIES**

1. Documents will qualify to be treated as valid when they are:
  - a. Official Court Document (*waseeqa*) related to purchase, donation, will, inheritance, exchange, waiver certificate, correction certificate, marriage certificate, ownership certificate, and legal ownership deed or *Qabala* issued on the basis of previous government issued property documents; and have the following characteristics:
    - i. Is registered in court;
    - ii. Document(s) indicating the contrary are not available; and
    - iii. Is also registered in the taxpayer office, in case the land mentioned in the ownership deed is taxable; and the Property Registration Office of AILA.
  - b. Final court judgments which meet the following criterion:
    - i. They are registered;
    - ii. Document(s) indicating the contrary are not available;
    - iii. Government has not made any claim against it; and
    - iv. Subject matter of the dispute is not Public land, Public Grazing Land, Private Grazing Land and/or Endowment Land.

- c. State or Government (Presidential) decree, land purchase document indicating purchase of the same from government which have the following characteristics:
  - i. Issued by a competent authority;
  - ii. Document(s) indicating the contrary are not available; and
  - iii. Are registered in taxpayer office, in case the land is subject to payment of tax, and Property Registration Office of AILA.
- d. Documents evidencing payment of tax, which have the following characteristics:
  - i. Documents indicating the contrary are not available;
  - ii. No indications of corrections made after they are issued and there are no scratches on the document to suggest alteration in the same;
  - iii. Are registered in the Property Registration Office of AILA;
  - iv. Documents evidencing tax payment by the land owner between the year 1259 (1882 AD) up to month of *Asad* 1354 (August 1975 AD ) verified by relevant tax authority;
  - v. They are registered before 1354 (1975 AD) in the relevant taxpayer office; and
  - vi. In case the tax is determined but area of the land is not ascertained, the documents will be deemed genuine following technical assessment and amendment by AILA of the tax payable per acre.
- e. Documents evidencing the Right of Water, provided that they have the following characteristics:
  - i. Document(s) indicating the contrary are not available; and
  - ii. Are registered in the relevant taxpayer office and Property Registration Office of AILA.
- f. Official Land Ownership document, which has the following characteristics:
  - i. Valid Land Ownership Document is available;
  - ii. Are registered in the relevant taxpayer office and Property Registration Office of AILA;
  - iii. Document(s) indicating the contrary are not available; and
  - iv. Ownership document is issued subsequent to the assessment of land operation.
- g. Land Ownership Document (Shari'ah deed), which has the following characteristics:
  - i. Document is arranged and issued by the competent court following the legal assessment of land; and

- ii. The same is registered in the relevant taxpayer office and Property Registration Office of AILA.
  - h. Cadastral Maps that belong to the years 1344 (1965 AD) to 1357 (1978 AD) in which Piece(s) of desert land, barren land, arid land, non-agricultural land, rocky land and plateau are surveyed as government lands and recorded and registered in the owner list of the cadastral map and despite ownership claims filed against the same, the Cadastral Survey Map is considered valid and the mentioned lands are considered government lands.
  - i. Ownership Deed (*Qabala*): it is a valid and official document, the design and content which are finalized and is printed by AILA, and is issued based on cadastral number following ascertaining ownership right of a person to a piece of land.
  - j. Customary Deed of purchase, ownership, donation, land exchange, waiver certificate, correction certificate, marriage certificate and bequeath which has the following characteristics:
    - i. Fingerprint and signature of the parties are evident on it;
    - ii. Document(s) indicating its contrary are not available;
    - iii. Valid document of the first owner which meets the criterion laid down in paragraph (1) of clause (1) of this Article; and
    - iv. No indications of corrections made after they are issued and there are no scratches on the document to suggest alteration in the same.
  - k. The Document issued by official property dealer, which has the following characteristics, in addition to those mentioned in the Law on Property Dealing:
    - i. Valid document of the first owner that meets the criterion laid down in paragraph (1) of clause (1) of this Article;
    - ii. Fingerprint and signature of the parties are evident on it;
    - iii. Document(s) indicating the contrary are not available;
    - iv. No indications of corrections made after they are issued and there are no scratches on the document to suggest alteration in the same;
    - v. The official stamp of the Property Dealer is recorded on the document;
    - vi. The transaction document conforms to its original record and the registration document exists in the registration book of the Property Dealer and the fingerprint or signature of the parties and stamp of the Property Dealer are evident on the same.
2. Declaration Form is not considered as ownership document.

## **ARTICLE 19: LAND POSSESSED WITHOUT VALID DOCUMENT**

1. A natural person who is in possession of land without a valid document, keeping in account his actions for having such possession, shall be awarded *Qabala* for first category of land not exceeding 5 acres or its equivalent for free in case:
  - a. His possessed land is not registered in the registration office of government lands;
  - b. Other persons do not have valid document(s) to prove ownership of the land possessed by him; and
  - c. The possessor has worked on the land occupied and signs of work and agriculture are visible therein; and
  - d. Adjacent land owners confirm his possession of land for a period of more than 15 years prior to Sawr 7<sup>th</sup>, 1357 (April 27<sup>th</sup>, 1978).
2. In case the land mentioned in Clause (1) above is larger than 5 acres of land of first category or its equivalent and the land is not part of any government project, it will be sold to the possessor in accordance with provisions of this law on the market rate;
3. In case the land mentioned in Clause (1) of this Article is part of government project, the person in possession of land may be deemed entitled for up to 5 acres of land of first category or its equivalent and the remaining land shall be deemed as government land;
4. The land shall be considered government land, if it provides documents proving illegal nature of the possession of person referred to in Clause (1) of this Article;
5. In case the possessor mentioned in Clause (2) of this Article does not agree to purchase the land, the land is leased to him without the need to tender the same;
6. The land will be leased out to a third party as per provisions of this law, in case the person referred to in Clause (5) of this Article does not agree to hold the land on lease.

## **ARTICLE 20: EXCESS LAND**

1. Whenever farming land of a person comprises excess land and meets the conditions mentioned in Article 19 above; he shall be awarded up to 5 acres of land of first category or its equivalent for free and the ownership deed is issued to him while the land in excess of 5 acres shall be sold to him as per the provision of this law and the market rate;
2. In case the land in excess is part of a government project, up to 5 acres of land of first category or its equivalent is considered his ownership for free while the remaining part is deemed to be government land;

3. Whenever the person mentioned in Clause (2) of this Article, recommends obtaining the land on lease, it shall be leased out to him without following the tendering process, in other cases, the land will be leased out to third party as per terms of this law.

#### **ARTICLE 21: ISSUANCE OF OWNERSHIP DEED TO PERSONS**

1. Persons who have obtained land from government according to the laws in force for the time being and prior to entry into force of this law are subject to following proceedings:
  - a. If the person or his heirs has paid all installments of the value of land, AILA shall issue the ownership deed (*Qabala*) shall be issued to them;
  - b. If the person or his heirs have partly paid installments of the value of land, the remaining price is fixed according to the market price, and AILA shall only issue the *Qabala* once the remaining installments are also paid;
  - c. If the person or his heirs have not paid the installments of land at all, price of the land is fixed according to the market rate and the *Qabala* is issued by AILA once the price is paid in full.
2. Whenever a person or his heirs has abandoned their land due to challenging environmental conditions but have returned after a while, in case no government buildings / installations are constructed therein, the ownership deed is granted to them with approval of the Land Commissions constituted in the relevant village, the District and the Province and subsequent verification of AILA and payment of the land price as per the market rate in 5 installments;
3. In case government buildings / installations are constructed on a part of the abandoned land, the part on which such buildings / installations are constructed shall be expropriated by the government in case the person has paid all installments of the value of land; while the remaining part is returned to the person;
4. In circumstances when buildings / installations are constructed by government on the entire land abandoned by the person while he has paid the entire value of land or part thereof, such land shall be expropriated in conformity with the law;
5. However, if government buildings / installations are constructed on the entire abandoned land of a person and price of the land is not paid, the land is recovered and considered as government ownership.

#### **ARTICLE 22: ISSUANCE OF OWNERSHIP DEED**

1. Whenever land is allocated to a person according to provisions of this law, in case the allottee has not paid the entire value of the land, AILA will issue only temporary certificate and a deadline for payment of the reminder amount;
2. A person is not considered owner of the land in situation referred to Clause (1) of this Article; AILA shall issue the *Qabala* to such a person after payment of the entire value of land.

#### **ARTICLE 23: ISSUANCE OF DUPLICATE QABALA**

The duplicate *Qabala* or temporary certificate of land allocation as specified in Article 21(1) of this law is issued, keeping in view the records, in case the same has been lost, is burnt or destroyed.

#### **ARTICLE 24: REPLACING OFFICIAL OWNERSHIP DOCUMENTS WITH QABALA**

1. Documents elaborated in Article 18 of this law are replaced with a *Qabala* by AILA after ascertaining / determining the ownership right;
2. Type, location, cadaster number, coordinates, boundaries and other specifications of land are ascertained by the Board and registered in the relevant column.

### **CHAPTER 4: CADASTRAL SURVEY AND ASCERTAINMENT OF OWNERSHIP RIGHT**

#### **ARTICLE 25: GOALS OF THE CADASTRAL SURVEY**

1. Cadastral Survey is performed with cooperation of the relevant entities for the purpose of ascertaining ownership rights and exact data related to government, private, public, public grazing, private grazing, and endowment lands and to determine their exact location, boundaries, quantitative and qualitative specifications and identity of the owner;
2. AILA may perform the Cadastral Survey through private sector whenever deemed necessary;
3. AILA may use up-to-date technical equipment for the purpose of performing Cadastral Survey and ascertaining ownership rights of persons.

## **ARTICLE 26: POWERS AND FUNCTIONS OF THE CADASTRAL TEAM**

The Cadastral Team has the following powers and functions as part of the Assessment Board:

- a. Performing Cadastral Survey and arranging Cadastral Maps of land;
- b. Determining boundaries for rivers, streams, ways, streets, villages and specific buildings and other indicators by means of which pieces of land are clearly differentiated in the Cadastral Maps;
- c. Determining boundaries and specifications of pieces of land based on declaration of land owner, confirmation of the neighboring owner and verification of the local council and its registration in the relevant documents;
- d. Determining category of land; and
- e. Conversion of local scale, i.e. measurement tools, to acres.

## **ARTICLE 27: NOTICE OF THE CADASTRAL SURVEY**

1. The Cadastral Team shall announce commencement of the Cadastral Survey fifteen (15) days prior the same through mass media and other possible means in the area in order to notify the residents concerned;
2. Owner of the land or his legal representative, neighboring owners, head of the village and representative of the local council shall be present during the performance of Cadastral Survey and shall provide to the Cadastral team the requisite information;
3. In case owner of the land or his legal representative do not appear within fifteen (15) days following notice for the purpose of cooperating with the Cadastral Survey, the land is surveyed based on the information provided by the farmer, neighboring owners and representative of local council;
4. Cadastral Survey in prohibited areas shall be performed with permission of the competent authorities.

## **ARTICLE 28: COOPERATION WITH CADASTRAL TEAM**

Governors, mayors, Provincial Councils, District Governors, District Councils, Village Councils and security authorities in the relevant area shall cooperate with the Cadastral Team in performing their duty.

### **ARTICLE 29: CADASTRAL SURVEY OF AREAS PART OF THE PROJECT**

Cadastral Survey of areas included in development projects for the purpose of distinguishing government, public, private ownership or grazing lands is performed based on official suggestion letter of relevant authority.

### **ARTICLE 30: RESPONSIBILITY OF CADASTRAL TEAM**

Cadastral team is responsible for measurement accuracy, area and determining boundaries of each piece of land and other quantitative and qualitative specifications.

### **ARTICLE 31: RESULTS OF THE CADASTRAL SURVEY**

1. The Cadastral Team marks the land surveyed on the map in an organized manner. The Cadastral team records and registers complete identity of the owner, boundaries of the piece land, area, irrigation sources and other quantitative and qualitative specifications of piece(s) of land in the cadaster form both in hard and soft versions;
2. The Cadastral Team informs the residents and the Village Council about results of the Cadastral Survey referred to in Clause (1) of this Article and displays for a period of fifteen (15) days a copy of the map along with list of the owner(s) of each piece of land for public notice in a conspicuous place in the village.

### **ARTICLE 32: DISPUTE RESOLUTION**

1. Whenever a dispute arises between land owner(s) and the Cadastral Team during Cadastral Survey, all efforts should be made to resolve the disputes thorough local council;
2. Following actions are performed whenever one of the parties does not accept the decision of the Local Council:
  - a. Whenever the dispute is between land owners, without expressing any views in the ownership matter, the case is referred to the competent court for final decision; and
  - b. In case the dispute is between government and a person, the case is referred to the competent court by Authority for State Cases.
3. Whenever the dispute is between government entities, the case is referred to the Authority on State Cases for settlement;



4. Subsequent to the court decision, the Cadastral Team rectifies, stamps, and signs the maps as well as lists of the owners and submits them to AILA.

### **ARTICLE 33: SPECIAL CADASTRAL SURVEY**

Whenever land is held in joint ownership by multiple people based on a valid document and they have agreed in writing to distribute the land between them. A special survey is performed for each owner after certification of the local council, head of the village or the Local Councilor and necessary actions are taken in compliance with Article 31 of this law.

### **ARTICLE 34: SECOND CADASTRAL SURVEY**

A fresh Cadastral Survey is performed in circumstances where result prepared by the Land Assessment Board (Cadastral Surveyors, technical team of AILA and representatives of the relevant entities) is proved to be mistaken by the technical control. Maps, forms, and lists are rectified in light of the findings of the technical control.

### **ARTICLE 35: INSTALLING SIGNS AND THEIR MAINTENANCE**

1. The Cadastral Team installs fixed signs / indicators in suitable places in the district, area and village for the purpose of specifying pieces of land which are part of the Cadastral Maps;
2. Head of the Village, Local Councilor, residents, Village Council and land owners shall cooperate in maintenance and protection of signs / indicators referred to in Clause (1) of this Article.

### **ARTICLE 36: OBLIGATION UPON TRANSFER AND SALE**

1. In case the owner transfers all or part of the land he owns to another through sale, will, gift, endowment, or other forms of transfer, he shall request the local AILA office to transfer the ownership as the case may be to the new owner. AILA, after transfer, execution and registration of the *Qabala* refers the relevant information and modifications to the cadaster section for necessary adjustments in the Cadastral Maps;
2. The relevant Cadastral Survey Office records, registers and includes transfer of the ownership mentioned in Clause (1) of this Article in the relevant office.

### **ARTICLE 37: FEE**

1. Cadastral Survey services for individuals, drawing of maps and preparing cards of consolidated ownership are performed by the Cadastral Survey officials against a specified fee, if requested by the government and non-governmental entities and persons;
2. The amount of fee mentioned in Clause (1) of this Article is determined on the recommendation of AILA and approval of the government;
3. The fee referred to in Clause (1) of this Article shall be collected by AILA and deposited into government account as revenue generated.

### **ARTICLE 38: ASSESSMENT BOARD OF LAND**

The manner of assessment of land in pursuance of the National Program of Registration of Land and Immovable Properties shall be conducted by the joint technical Board comprising of the cadastral surveyors, technical team of AILA and other relevant entities within and outside the scope of Urban Master Plan and shall be regulated by a separate regulation.

## **CHAPTER 5: LAND ASSESSMENT**

### **ARTICLE 39: LAND ASSESSMENT**

1. The process of land assessment is performed for the purpose of resolving property related disputes and specifying / differentiating government, private, public, public grazing, private grazing, endowment, and expropriation lands from each other and for the purpose of facilitating implementation of public interest projects;  
AILA is responsible for conducting the technical and administrative aspects of the land assessment process.
2. The land assessment process is implemented, as and when necessary, by proposal of AILA and approval of the President, by the Assessment Board referred to in Article 40(1) of this law;
3. Ministry of Agriculture, Irrigation and Livestock (“MAIL”), MoF, MoEW and entities of the relevant area shall have joint responsibility, as per their mandate, in implementing the process referred to in Clause (1) of this Article;
4. Land assessment is performed simultaneously with the Cadastral Survey;

5. Practical land assessment work in the area is performed by Land Assessment Board with cooperation of the relevant Provincial Governor's Office;
6. The Cadastral Survey and Land Assessment are performed simultaneously according to the Annual Plan proposed by AILA and approved by the President.

**ARTICLE 40: THE LAND ASSESSMENT BOARD**

1. For the purpose of Land Assessment, a Board comprising the following shall be established:
 

a. Representative of AILA	as	Chairman
b. Representative of the Assessment Department of AILA	as	Member
c. Representative of the Assessment Department of AILA	as	Secretary
d. Cadastral team of AILA	as	Member
e. Representative of MoF	as	Member
f. Representative of MoEW	as	Member
g. Representative of MAIL	as	Member; and
h. Representative of the relevant authority to be Nominated by AILA	as	Member.
2. In case of government projects, the representative of the beneficiary entity is invited as observer;
3. The number of members of the Assessment Board, in all instances, keeping in view Clause (1) of this Article, is appointed every year by recommendation of AILA and approval of the President;
4. AILA acts as facilitator in administrative and technical matters related to the Board. The power as well as liability of providing opinions related to assessment of ownership rights shall remain with the Board.

**ARTICLE 41: POWERS AND FUNCTIONS OF THE ASSESSMENT BOARD**

1. The Assessment Board shall have the following powers and functions:
  - a. Preparing the land measurement forms, drawing and sketching piece(s) of land in the light of cadastral documents provided by AILA and recording the same in the land measurement forms;
  - b. Referral to competent authorities the disputes related to land;

- c. Registration of land assessment results in the assessment registration office;
  - d. Ascertaining the area and boundaries of usurped government, private, public, public grazing, private grazing and endowment lands and recording the identity of the usurper;
  - e. Determining and ascertaining the category of land, right of water of the land and assessment of the tax payable on the pieces of lands;
  - f. Sharing land assessment results mentioned in the ownership certificate for the purpose of recording in the Land Registration Offices and to the tax and irrigation authorities of the areas concerned;
  - g. Sharing report of the proceedings to the relevant Provincial Governor's Office and AILA;
  - h. Other functions assigned by AILA for the purpose of enhanced implementation of the land assessment.
2. Land assessment for the purpose of executing government projects and ascertaining / identifying government lands shall be performed for free / without any fee.

#### **ARTICLE 42: FUNCTIONS OF THE CADASTRAL TEAM IN THE ASSESSMENT BOARD**

The Cadastral Team shall perform the following functions as part of the Assessment Board:

- a. Measuring area and drawing the sketch of piece of land according to cadastral documents prepared by AILA;
- b. Marking boundaries of the land, location of the piece of land and executing documents that belong to persons and the government related to the land;
- c. Converting the local land measurement to acres; and
- d. Other functions assigned by AILA for the purpose of better implementation of the land assessment.

#### **ARTICLE 43: COOPERATION IN THE LAND ASSESSMENT**

1. Land owner or his representative shall cooperate with the Assessment Board in land assessment till completion of its job in the concerned area;
2. Government project operator shall appoint a representative during the process of land assessment.

#### **ARTICLE 44: LAND ASSESSMENT OF ABSENT OWNER**

In case of land assessment for the purpose of executing government projects, the rights of absent owner(s) in relation to claim of compensation / exchange of land shall remain protected. The mentioned land shall be expropriated by the expropriating authority / beneficiary entity in compliance with the law after the owner or legal representative appears and the entity inspects valid documents that prove the ownership.

#### **ARTICLE 45: CENTRAL AND PROVINCIAL LAND ASSESSMENT COMMISSIONS**

1. The Central and Provincial Land Assessment Commissions shall be established for the purpose of appropriate execution of land assessment from technical and administrative aspects, and which shall comprise the following:

##### **a. The Central Commission:**

- |  |    |                 |
|--|----|-----------------|
| i. The General Director of AILA  | as | Chairman        |
| ii. Director of Assessment of AILA   | as | Deputy Chairman |
| iii. Director of Cadaster of AILA  | as | Member          |
| iv. Representative of the Ministry of Interior   | as | Member          |
| v. Representative of MAIL  | as | Member          |
| vi. Representative of MoEW   | as | Member          |
| vii. Representative of MoF   | as | Member          |
| viii. Representative of Independent Directorate<br>of Local Governance (“IDLG”)        | as | Member; and     |
| ix. Representative of the beneficiary<br>authority in government project<br>assessment | as | Member.         |

##### **b. The Provincial Commission**

- |   |    |          |
|---|----|----------|
| i. Governor of the Concerned Province   | as | Chairman |
| ii. Land Authority Director of the concerned<br>province                            | as | Member   |
| iii. Director of Agriculture, Irrigation and<br>Livestock of the concerned province | as | Member   |
| iv. Director of Provincial Finance<br>Department concerned province                 | as | Member   |

- v. Director of Energy and Water of the concerned province as Member; and
  - vi. Representative of the Provincial Police Chief of the relevant province as Member
2. Ordinary meetings of the Central and Provincial Land Assessment Commissions shall take place twice in a year while extraordinary meetings shall be called upon by the Chairman or a request of one third of the members when deemed necessary;
  3. Land Assessment Directorate of AILA shall act as Secretariat of the Central Commission and AILA office of the province concerned shall act as Secretariat for the Provincial Commissions;
  4. The powers and functions of the Commissions mentioned in this Article shall be elaborated further in the Rules of Procedure for Land Assessment.

**ARTICLE 46: DISPUTE RESOLUTION**

In case disputes related are not resolved amicably by the Disputes Resolution Board, the following steps should follow:

1. In case the dispute is between individuals, the matter should be referred to the competent authorities having jurisdiction;
2. In case the dispute is between an individual and the government or between government entities, after expressing an opinion; shall be referred to the Authority for State Cases.

**ARTICLE 47: DISPUTE RESOLUTION OF THE LAND OWNED BY DECEASED**

In case where land owned by a deceased person is free of disputes, it shall, following assessment, be distributed among the legal heirs in accordance with provisions of this law and shall be registered as private land in the private land registration office.

**ARTICLE 48: ASSESSMENT OF THE AREA ON BASIS OF TRADITIONAL DISTRIBUTIONS**

1. The Assessment Board shall assess in the following manner the land which collectively, on the basis of legal documents, is registered in the name of tribal elders, respected persons, community subterranean irrigation canal (*kariz*) or in the name of other persons, and the portion of each owner is specified on the basis of traditional mechanisms:

- a. Location of the land, boundaries, right of water and other particulars of the and by distinguishing each of the owners in possession of the same; and
  - b. The Signature or fingerprint of partners or their heirs shall be recorded.
2. In case some of the co-owners are not present, the land set forth in Clause (1) of this Article shall be assessed as per the traditional mechanisms and shall be recorded in the land measurement, Re-Registration and agriculture assessment forms. In this case, right of the absent co-owners to file claims shall remain protected as per provisions of this law.

#### **ARTICLE 49: ASSESSMENT OF THE JOINTLY OWNED LAND**

In case a land is owned by more than one person with equal share in the land, the assessment process shall be as follows:

1. Area of the original and equivalent first category land owned by each person shall be determined by keeping account of the ownership documents;
2. In case the property document is a tax document, the amount of the annual tax up to 1354 (1974 AD) in respect of each owner shall be obtained from the Land Registry Office and the ownership of each owner shall be determined in proportion to the amount of annual tax rate paid by him;
3. Boundaries of the jointly owned land, its original area and its first category land or equivalent shall be ascertained by the Cadaster Team;
4. The share of each person shall be specified in light of the area recorded in the property document(s) or in accordance with its tax documents, in case of dispute between the co-owners or their heirs, the matter will be referred to the General Directorate of Rights of the Ministry of Justice (“MoJ”); and
5. Land in excess of the land possessed and recorded as joint ownership of individuals shall be treated as excess land and shall be treated as per rules laid down in this law.

#### **ARTICLE 50: ISSUANCE OF QABALA**

AILA shall issue a *Qabala* to the owner of land following completion of the ownership assessment and the process of assessment of the land.

## CHAPTER SIX: RECOVERY OF LAND

### ARTICLE 51: PROCESS RELATED TO LANDS DISTRIBUTED

1. Lands allotted to people after 07.02.1357 (27.04.1978 AD), by successive regimes by means of decrees and legislative instruments, against the injunctions of Shari'ah, as these lands were taken from their legal owners without paying the fair compensation thereof, shall be subject to the following procedure:
  - a. Lands that are still in their original condition, shall be returned to their owner or his legal heirs;
  - b. In case, buildings were constructed on the allotted lands, the owner or his heirs are entitled to receive, with mutual consent, from the current possessor or his legal hires compensation on the market price of the allotted land. In case of dispute between the parties, the Court may decide between them and order payment of compensation on the market rate of the land so distributed;
  - c. In case the allotted land is transferred or sold but it is in its original condition, the land shall be returned to its owner and the people who bought the land will get back their money from the person who sold the land to them; and
  - d. In case the condition of land has changed in a manner that leads to decrease in the value of the land concerned, the person to whom the land was allocated shall return the land and compensate the decrease.
2. If the land set forth in Clause (1) of this Article is allocated to government entities, Organizations or to farms and buildings and installations are constructed on the same; the beneficiary shall pay, in accordance with rule laid down in paragraph (2) of Clause (1) of this Article, the value of land at the market rate in accordance with the provisions of the Law on Expropriation.
3. In situations where the land allotted after 07.02.1357 (27.04.1978 AD) is government land; the person to whom the land was allotted or his heirs still use the same; and it is not part of any government project, AILA shall grant the *Qabala* to the possessors.

### ARTICLE 52: LANDS EXCHANGED

As regards persons whose lands were exchanged with the land of another person; the following steps shall be taken:

1. In case the ability to be used for cultivation of both lands is not affected, the exchange shall be invalidated and both the persons shall be get back their respective land;



2. In case the exchanged land is allotted to another person, the allotment is invalid and the exchanged land is returned to their original owners; and
3. In situations where the exchanged land has been allotted to government entities, Organizations or to farm, and buildings and installations are constructed on the same; the beneficiary shall pay the value of land at the market rate to the owner of land or his heirs in accordance with provisions of the Law on Expropriation.

#### **ARTICLE 53: LANDS OF ABSENT OR MISSING PERSONS**

1. In case owner of the land is absent or goes missing, AILA shall lease out the land until the owner, his legal heirs or legal representative appear. In this case, proceeds from lease contract shall be deposited in a Bank and preserved for the owner. In case of the owner, his heirs or legal representatives appear, the compensation of lease shall be returned to them.
2. If the absent or missing person, his heirs or legal representative do not appear within a period of fifteen (15) years, the land shall be deemed to be government property and the rent set forth in Clause (1) of this Article shall be deposited in a bank as government revenue.

### **CHAPTER SEVEN: PEOPLE DESERVING LAND**

#### **ARTICLE 54: CONDITIONS OF LAND ALLOCATION**

Land shall be allocated to a person if he meets the following conditions:

- a. He is an Afghan citizen;
- b. Has attained 18 years of age;
- c. He does not own land or owns land that is not sufficient for his needs;
- d. He is a farmer or agricultural worker; and
- e. He promises that after the land is allotted to him, he or other members of his family will work and utilize the land for agriculture and will maintain the same.

#### **ARTICLE 55: OBLIGATIONS OF THE APPLICANT FOR LAND ALLOCATION**

1. A person entitled to land allocation has the following obligations:
  - a. To fill in the pro forma designed for deserving people within 7 working days and hand over the same to AILA;

- b. To commence harvesting on and work in the land within the time specified after land allocation; and
  - c. To pay installments of the value of land and payable taxes within the time specified for this purpose.
2. Persons deserving land are barred from transferring the same, permanently or temporarily, to third parties prior to payment of all the installments of the value of land.

#### **ARTICLE 56: PRIORITY IN LAND ALLOCATION**

1. A person who meets the conditions set forth in Article (54) of this law enjoys priority in allocation of the land on the following formula:
  - a. First Class Land Deserving Person(s)**
    - i. A person whose agricultural land has been expropriated for executing a public interest project; and
    - ii. A person who does not own land and does not have any work to do, and is the sole bread winner of the household or of more than six (6) persons and is permanent resident of the province, district and village where land is situated.
  - b. Second Class Land Deserving Person**
    - i. Farmer and agricultural worker of the village and area in which the land subject to allocation is situated; and
    - ii. A farmer who owns piece of land less than 2 acres of the land of first category or equivalent.
2. Married persons and bread winners of the family shall enjoy priority in land allocation, as against land deserving single / unmarried persons of the same category.
3. Ascertaining the number of dependent members of a household shall take place on the basis of national ID Document (*Tazkira*) by the local AILA Commission.

#### **ARTICLE 57: DEATH OF THE PERSON DESERVING LAND**

In case of death of a land deserving person, the following proceedings shall take place:

1. Legal heirs of the deceased land deserving person shall be considered his successors in interest and shall remain entitled to harvesting the land provided that they pay the installments fixed as value of the land. The heirs have the right to transfer the land and estate after payment of all the installments of the value of land in question.

2. In case the heirs are children or women or the deserving person cannot harvest the land due to health problems, they shall remain entitled to lease out the land or hire a lessee farmer for the land.
3. In other cases where a land deserving person or his heirs, before payment of the installments as value of the allocated land, do not want to continue work and agriculture on the land allotted to them, they may return the land to the government and refund the installments already paid.

## **CHAPTER EIGHT: LAND DISTRIBUTION**

### **ARTICLE 58: LANDS SUITABLE FOR DISTRIBUTION**

1. Government lands may only be distributed when they are not part of the government projects and development plans.
2. The lands referred to in Clause (1) of this Article shall be assessed for distribution purposes after evaluation by a joint Board comprised of the representatives of MAIL, MoF, MoEW, Ministry of Information and Culture (“MoIC”), Ministry of Mines and petroleum (“MoMP”) and AILA.
3. Distribution of land shall be conducted subsequent to recommendation of AILA and approval of the President in exchange for a fair price to be paid in installments of five years in accordance with provisions of this law.
4. The price of land shall be ascertained by a joint Commission composed of the representatives of MAIL, MoF, MoEW, MoCI, MoMP, Ministry of Urban Development and Housing (“MoUDH”) and the AILA office of the relevant province.
5. The due date for payment of the price of land distributed after entry into force of this law shall commence one year after the date of allocation date.
6. Installments of the price of land shall be payable at the beginning of each year.
7. In case a person does not pay three consecutive installments as referred to in Clause (3) of this Article within the time specified, the land shall be recovered and the paid installments shall be refunded to the person.

### **ARTICLE 59: CATEGORIZING OF THE AGRICULTURAL LAND**

Agricultural land for the purpose of assessment, ascertaining the ownership, allocation and payment of tax has been divided into seven categories. The following values shall be taken in account during modification of categories to the first category.

- a. The value of first category (garden or vinery) land is (1/00)
- b. The value of second category (Two Seasonal watered) land is (0/85)
- c. The value of third category (one seasonal watered land, more than fifty percent of which is cultivated annually) is (0/67)
- d. The value of fourth category (one seasonal watered land fifteen to fifty percent of which is cultivated annually) is (0/40)
- e. The value of fifth category (one seasonal watered land up to fifteen percent of which is cultivated annually and rainfed land which is harvested with a gap of one year) land is (0/20)
- f. The value of sixth category (rainfed land which is harvested with a gap of two years) is (0/15); and
- g. The value of seventh category (rainfed land which is harvested With a gap of more than two years) is (0/10).

**ARTICLE 60: ALLOCATION OF LAND ON THE BASIS OF AGRICULTURAL CATEGORIES**

- 1. Land shall be allocated to the land deserving person as following:
  - a. First category land (5) acres;
  - b. Second category of land (6) acres;
  - c. Third category of land (7.5) acres;
  - d. Fourth category of land (12.5) acres;
  - e. Fifth category of land (25) acres;
  - f. Sixth category of land (33) acres; and
  - g. Seventh category of land (50) acres.
- 2. In case the number of land deserving applicants surpasses the land available, it shall be distributed on the basis of the lottery in the presence of a majority of them.

**ARTICLE 61: DETERMINING THE MEDIUM ANNUAL INCOME**

The average annual income of one acre of land in the villages shall be determined by the local AILA office in coordination with the relevant provincial Directorate of Agriculture, Irrigation and livestock keeping in view the category, location and the suitability of the land for yield.

## **ARTICLE 62: ALLOCATION OF SMALL AND SCATTERED PIECES**

1. Small and scattered pieces of the land which are not distributed shall be allotted in exchange for the market value of such pieces of land to the neighboring owner not having enough land; neighboring shared farmer and the farmer who owns small piece of land in the locality in the same order of preference. In this case, the farmer pays the value of land at once.
2. If farmers referred to in Clause (1) of this Article do not wish to buy the land, it shall be sold through auction.

## **ARTICLE 63: PROHIBITION OF TRANSFER, SALE AND POSSESSION OF GOVERNMENT LANDS**

1. No one is authorized to bring government lands, including virgin and arid lands, into their ownership or possession contrary to the provisions of law.
2. In case a person unlawfully possess lands mentioned in Clause (1) of this Article, such lands shall not be deemed to be his ownership.
3. Price of the lands referred to in Clause (1) of this Article is ascertained prior to their sale keeping in view location of the land; and are sold to individuals, private and semi government agricultural, livestock, industrial and trade companies after approval of the government.
4. Sale and transfer of lands mentioned in Clause (1) of this Article to government entities, ministries and municipalities shall take place after determining the price by a joint Commission composed of the representatives of the MAIL, MoF, MoMP, the Historic Heritage Directorate of the MoIC and AILA as per a contract, to be approved by the government, between AILA and the purchasing /acquiring entity.

## **ARTICLE 64: CONDITIONS FOR SALE AND TRANSFER OF GOVERNMENT LANDS**

1. Government lands, including virgin and arid lands, can be sold and transferred only when such lands are not part of any government projects, Urban Master Plan, forests, pastures, mines and historic and culturally protected sites;
2. Evaluation of the land referred to in Clause (1) of this Article, prior to its distribution, shall be conducted by the Board mentioned in Clause (2) of Article 58 of this law to ascertain the following:
  - a. Suitability for agriculture and construction/restoration;
  - b. Performing study and survey of the target area;

- c. Ascertaining existing of water sources and digging deep wells, to determine existence of deep and surface water and their level;
- d. Observing the rights of neighbouring owners and lands, right to water and other necessary matters that may arise when working on the land; and
- e. Rehabilitation or construction of water streams and watercourses to ensure proper irrigation system in the area concerned.

## **CHAPTER NINE: TRANSFER AND CHANGES IN THE LAND AND PROPERTIES**

### **ARTICLE 65: RIGHT OF TRANSFERRING LAND AND PROPERTIES**

1. The owner has permanent and temporary right of transferring his land and property.
2. The right of permanent transfer of land and property and their attachments (immoveable equipment and installations of the land or property) shall take place on the basis of a valid document.
3. A person to whom a land is distributed or his heirs shall be entitled to transferring his right after payment of all the instalments and receiving Official Ownership Certificate.
4. Legal heirs may, after ascertaining each ones share, transfer the ownership in the land or property.

### **ARTICLE 66: TRANSFER OF LAND AND PROPERTIES, EXECUTION AND REGISTRATION OF QABALA**

1. The sale and purchase of land and property within the limits of master plan as well as outside the same between individuals shall take place through AILA and by having regard to valid documents and by mutual consent of the parties.
2. AILA registers government lands that are still not registered in the Government Lands Registration Office.
3. AILA shall remove / deduct lands transferred to government entities from the Government Lands Registration Office, and register them in the name of the beneficiary entity.

#### **ARTICLE 67: QUANTITATIVE AND QUALITATIVE CHANGES IN THE LAND**

Any changes in the area or other characteristics of land shall be recorded in the land and tax registration offices on the basis of written information provided by the landowner and its approval by the local AILA office.

#### **ARTICLE 68: AGRICULTURAL LANDS DISTRIBUTED TO ENTERPRISES**

Agricultural and non-agricultural government lands distributed / allotted to cooperatives, NGOs, government or private companies, unions and associations after the *Saur* revolution, i.e. 07.02.1357 (27.04.1978 AD) till entry into force of this law shall be subject to the following procedure:

- a. Where such cooperatives, NGOs, government and private companies, unions and associations are operational and registered in accordance with provisions of the law, they shall pay to the government value of the land they obtained on the market rate; and
- b. Where such cooperatives, NGOs, government and private companies, unions and associations are not registered in accordance with provisions of the law, irrespective of whether they are active or not, the land shall be recovered without any compensation for the loss this may lead, and the land shall be registered in the Government Lands Registration Office.

#### **ARTICLE 69: INVALID TRANSFERS**

Land transfers made contrary to the provisions of this law shall remain invalid.

### **CHAPTER TEN: LEASE OF LANDS AND PROPERTIES**

#### **ARTICLE 70: LEASE OF THE GOVERNMENT LANDS**

1. The government lands can be leased out to domestic and foreign persons, as per the provision of this law, by means of a lease agreement between the entity and MoF after approval by AILA.
2. The lessee shall possess legal capacity and competency.
3. Lease agreement could be extended with mutual consent of the parties in accordance with provisions of this law.

## **ARTICLE 71: LEASE AGREEMENT**

The lease agreement shall be in writing and contain the following information:

1. Identification of the parties to the agreement;
2. Type of activity to be undertaken by the entity;
3. The particulars of land and property subject matter of the lease agreement;
4. Settling obligations of the parties to the agreement;
5. Duration of the lease agreement;
6. Amount of the rent payable, time and the manner of its payment; and
7. Grounds for termination of the agreement.

## **ARTICLE 72: OBLIGATIONS OF THE LESSEE**

1. The lessee shall have the following obligations to perform:
  - a. Utilizing the land and observing environmental protection regulations, safeguarding the soil of agricultural land, and keeping good neighbourhood with neighbouring owners;
  - b. Keeping clean the irrigation network, canalization equipment and installations related to the land under lease;
  - c. Avoiding using the land in a manner contrary to the terms of the lease agreement;
  - d. Paying the rent to the lessor in accordance with terms of the agreement;
  - e. Compensating any losses sustained to the land or installations;
  - f. Informing MoF in case of any kind of intervention by intruders;
  - g. Avoiding using the right to irrigation water in respect of the land under lease for purposes other than those stipulated in the agreement;
  - h. Avoiding transfer, provision as security and sub-letting the leased land;
  - i. Notifying AILA in case of discovery of mines, historic gadgets and other cultural assets which appears to be government property;
  - j. handing over the land along with the equipment and fixtures constructed therein at the time of expiry of the term of the lease as per terms of the agreement;



- k. Providing a copy of the bank receipt to MoF evidencing deposit of rent; and
  - l. Any other obligations provided for in this law.
2. If a lessee or his heirs intend to terminate the lease agreement prior to the end of the lease term, they are obliged to notify MoF at least three (3) months in advance.

### **ARTICLE 73: OBLIGATIONS OF MOF**

MoF has the following obligations to perform:

1. Handing over the land subject matter of lease in accordance with the terms and conditions of the agreement;
2. Providing invoices to the lessee for depositing rent of the land;
3. Receiving the land along with the equipment, installations and fixtures at the time of end of the term or termination of the agreement;
4. Notifying the lessee at least three (3) months prior of the end of the term of agreement; and
5. Any other obligations provided for in this law.

### **ARTICLE 74: DURATION OF LAND LEASE FOR ATTRACTING INVESTMENT**

1. MoF may, for the purpose of attracting private investment and for establishing agricultural, livestock, gardening and other farms, offer agricultural land for lease of up to fifty (50) years while barren land can be leased out to domestic and foreign legal persons and entities, agricultural and livestock companies for a period of up to 90 years to be regulated by the lease agreement in accordance with this law;
2. MoF may provide barren and arid lands on lease to attract investment, other than for the purposes set forth in Clause (1) of this Article, in accordance with the provisions of this law, keeping in view the type of land, nature of the proposed project(s) and volume of the investment, to private companies in accordance with provisions of this law and with approval of AILA;
3. The lesser cannot lease the land under lease to another person until end of the term of the lease, or termination of the same;
4. Ministries and government entities may lease or rent a building, apartment, shop, and other related buildings through MoF, in accordance with the provisions of this law;

5. Extension of the lease agreement and increase in the rent of the lands set forth in Clauses (1 and 2) shall be subject to mutual agreement of the parties to the lease agreement.

#### **ARTICLE 75: DETERMINING TERM OF THE LEASE**

MoF determines term of the lease in accordance with the provisions of Article 74 by considering the type of land, its location and the quantitative and qualitative characteristics of the proposed project to be undertaken therein.

#### **ARTICLE 76: AREA OF THE LAND TO BE LEASED**

1. The area of barren and arid government lands which are leased for agricultural and other purposes shall be determined keeping in view the type of land, the quantitative and qualitative characteristics of the proposed project, the equipment and machinery to be used and the capital to be contributed by the lessee, in the following manner:
  - a. To an individual for agricultural purposes                      up to (50) acres
  - b. To private or semi-private Companies  
for non-agricultural purposes    up to (500) acres; and
  - c. To agricultural and livestock companies                      up to (1,000) acres
2. The lease agreement referred to in Clause (1) of this Article shall be approved by the Minister of Finance;
3. In case the area of barren and arid lands used for agricultural and non-agricultural purposes exceeds (1,000) acres, the lease agreement shall require approval of the government / cabinet of the Islamic Republic of Afghanistan.

#### **ARTICLE 77: PUBLIC PRIVATE PARTNERSHIP**

1. For the purpose of facilitating the execution of government projects and for attracting private sector investment in government projects, AILA may enter into partnerships with the private sector;
2. Government and private partnership investment shall be governed by the Law on Public Private Partnership.

## **ARTICLE 78: DEADLINE FOR UTILIZATION OF BARREN AND ARID LANDS**

1. Commencing the date of concluding the lease agreement, the period of utilization of barren and arid lands under lease for the purposes of agriculture, livestock, and gardening shall be calculated on the following formula:
  - a. In case, area of land is up to (50) acres two years;
  - b. In case, area of land is between (50) and (250) acres three years;
  - c. In case, area of land exceeds (250) acres five years.
2. The time period for utilization of lands set forth in Clause (1) of this Article shall be included in the total duration of lease agreement, and half of the lease rent shall remain applicable during the time period for utilization of the arid land;
3. MoF shall, from time to time, supervise and oversee the utilization work of the land under lease;
4. In case the lessee, without any justifiable excuse, does not utilize the land under lease within the time period set forth in Clause (1) of this Article, MoF may terminate the lease agreement and the land under lease may be leased out to another person in accordance with the provisions of this law.

## **ARTICLE 79: UTILIZATION OF THE LAND BY LESSEE**

The lessee shall utilize and use the leased land in accordance with the provisions of this law and the terms laid down in the lease agreement. In case of any violation, MoF may terminate the contract.

## **ARTICLE 80: DETERMINING THE LOCATION AND TYPE OF LAND**

A Commission of determining the type of land headed by AILA and comprising members from MAIL, MoF, and MoEW shall be established for the purpose of determining the type and location of land; ascertaining the suitability of land for usage in different projects; land's suitability for cultivation; area sketch / kroki; assessment and ascertaining the underground and surface water.

### **ARTICLE 81: LEASE RENT**

1. In case of barren and arid lands which are leased for non-agricultural purposes, the lessee shall deposit, in the government revenue account, the rent in advance of each year from the date of commencement of the lease agreement;
2. The lessee of agricultural land shall deposit, in the government revenue account, the rent of leased land from the date of commencement of the lease agreement;
3. The lessee of barren and arid lands shall deposit, in the government revenue account, 50% of the rent on the date of commencement of the lease agreement and the remaining 50% at the end of the period set forth in Clause (1) of Article 78.

### **ARTICLE 82: INCREASE IN THE RENT**

1. MoF may increase up to 10% after every five years the rent of agricultural, barren and arid lands having due regard to the condition of land, the project involved, the investment, suitability of the land for cultivation and other purposes and its location and keeping in view the rule laid down in Article 74 of this law.

### **ARTICLE 83: TERMINATION OF THE LEASE AGREEMENT**

1. Lease Agreement shall stand terminated in accordance with the provisions of paragraphs (9 and 10) of Clause (1) of Article (72).
2. MoF shall terminate lease agreement in one of the following situations:
  - a. Winding up of the legal person or in case of insolvency of the lessee;
  - b. Termination of the business activities of lessee by the government in compliance with legislative documents;
  - c. Violation by the lessee of the terms of and commitments made under the lease agreement, without any reasonable cause;
  - d. Death of the lessee or a declaration that he is not legally competent according to provisions of the law;
  - e. Unanticipated events which force the lessee to leave the place or make the land under lease useless; and
  - f. Any other ground as provided for in this law and the lease agreement.

#### **ARTICLE 84: RENT OF THE GOVERNMENT LANDS**

Rent of the government lands shall be ascertained by MoF, in accordance with the Rules of Procedure of Lease of Land, taking into account the type, location, yield of the neighboring lands; and the purpose of lease.

#### **ARTICLE 85: NOTIFYING IN CASE OF NATURAL DISASTERS**

1. In case natural disasters cause damage to the leased land, the lessee shall, within ten (10) working days, inform second unit of MoF regarding the same.
2. The damage shall be ascertained by a Commission comprising members from MAIL, Provincial financial department (*Mastawfyat*), AILA and head of the Local Council.
3. Following approval of the Provincial Governor and endorsement of the Minister of Finance, recommendations of the Commission related to exemption of the rent payment in proportion to the damage / loss shall be final.

#### **ARTICLE 86: NON-PAYMENT OF LOSSES**

In case where a piece of land, equipment and its fixtures are affected by natural calamities or are rendered useless, the lessee by virtue of Article 85 is exempt from payment of losses incurred, as well as payment of the rent for the year during which the losses occurred.

#### **ARTICLE 87: RECOVERY THE LAND ENTIRELY OR IN PART**

In case AILA requires the entire land under lease or a part thereof, the following process should be followed:

- a. If recovery of the leased land takes place when the yield has been collected, the agreement may be terminated and the lessee shall pay the rent as per the agreement;
- b. If the recovery takes place when the yield has not been collected and the lessee has incurred expenses in harvesting the crop, the expenses shall be paid to the lessee as per the custom of the area and contract shall be terminated;
- c. If the land is of non-agricultural type and the recovery takes place, the rent for the remaining period is not payable, if the lessee faces loss due to termination of the agreement, he shall be entitled the compensation of the losses he faced; and
- d. In case one part of the land is recovered before the lessee collects the yield while the other part is returned after collection of the yield, the amount of payable rent shall

be determined in proportion to the area recovered, while the agreement may remain in force in respect of the land not recovered if both the parties agree.

#### **ARTICLE 88: DEATH OF THE LESSEE**

The lease agreement shall not be terminated on the pretext of death of the lessee, unless the heirs wish to terminate the same.

#### **ARTICLE 89: PROHIBITION OF LEASE**

1. Land shall not be leased out to the following persons:
  - a. A person who is legally incompetent;
  - b. A person who Lacks the requisite financial standing/ability;
  - c. A person who is prohibited from possession of land; and
  - d. Bankrupt and wound up companies.
2. The following areas shall not be leased out:
  - a. Protected areas;
  - b. Areas that form subject matter of international treaties;
  - c. Areas home to historic and cultural heritage and mines; and
  - d. Areas leasing out of which has been prohibited by this or other laws.
3. Land shall not be leased out for the following activities:
  - a. Activities prohibited under the Private Investment Law 2005.
  - b. Activities declared unlawful by the law.

#### **ARTICLE 90: DISPUTES RESOLUTION**

1. In case of any dispute between the lessee and MoF related to lease; both parties may primarily try to resolve the matter amicably.
2. However, if the dispute referred to in Clause (1) of this Article is not resolved through mutual understanding, it shall be resolved in accordance with provisions of the law.

## **CHAPTER ELEVEN: LAND USURPATION**

### **ARTICLE 91: IDENTIFYING LAND USURPER**

1. AILA shall assess and ascertain the usurped land and refer land usurpers to legal and judicial authorities of the State.
2. Lands which are subject matter of dispute between the government and individuals, AILA shall maintain such land till final decision of the court and will utilize the same in accordance with provisions of this law.

### **ARTICLE 92: RECOVERY OF THE USURPED LAND**

In case usurper does not return the usurped land within three (3) months following entry into force of this law and the land usurped is in the same condition as it was prior to usurpation, it shall be recovered from the usurper and shall be registered in the Government Lands Registration Office.

### **ARTICLE 93: PROCEDURE FOR RECOVERY OF USURPED LAND**

All matters related to recovery of usurped lands on which houses, commercial centers, agricultural, livestock, gardening facilities and townships have been constructed shall be regulated by a separate regulation.

### **ARTICLE 94: PROHIBITION OF TRANSFER AND EXCHANGE OF LAND WITHOUT LEGAL PROCESS**

Individuals and government entities shall not transfer or exchange government land without complying with the legal procedure through AILA and approval of the president of the Islamic Republic of Afghanistan.

### **ARTICLE 95: NON-APPLICATION OF LIMITATION LAW AND RETROSPECTIVE EFFECT OF LAWS**

The period of limitation shall not be applicable in case of usurpation of government lands prior to the entry into force of this law. AILA and other relevant entities shall recover such usurped lands.

## CHAPTER TWELVE: PENAL PROVISIONS

### ARTICLE 96: PENALTIES FOR LAND USURPATION

1. Land usurper shall be subject to one of the following punishments along with recovery of land from him:
  - a. In case value of the land usurped is up to three hundred thousand Afghanis Short Imprisonment
  - b. In case the value of land exceeds three hundred thousand but is less than one million Afghanis Medium term imprisonment not exceeding two years
  - c. In case value of the land usurped ranges between one million and five million Afghanis Medium term imprisonment exceeding three years
  - d. In case value of the land usurped exceeds five million Afghanis long term imprisonment up to ten years.
2. Convicts of offenses related to land usurpation are not entitled to benefit from the amnesty and commutation of sentences granted by the President of the Islamic Republic of Afghanistan.
3. The usurper shall evict land usurped within three (3) months from the date of issuance of orders and hand over the alleged ownership documents to its legal owner.
4. A person who has sold usurped land shall return value of the land to the buyer within three (3) months from the date of issuance of order to that effect.
5. A person who leases or provides on rent the usurped land shall pay the mesne profit and the lease rent to the owner of land within three (3) months from the date of issuance of orders to that effect.
6. In case of damage/loss caused by the usurpation of land, the offender shall be liable to compensate the owner for such damage/loss. The damage/loss and the compensation thereof shall be calculated by a technical team.
7. Usurper of land shall return the land and all documents that indicate ownership shall be deemed invalid.



#### **ARTICLE 97: AGGRAVATING CIRCUMSTANCES OF USURPATION**

In any of the following circumstances, the offense of land usurpation shall be considered aggravated and the offender shall be punished with maximum limit of punishments prescribed by this law:

- a. The crime has been committed through threat or use of force, coercion, compulsion and terror;
- b. Continuation of possession of the usurped land despite oral or written notices issued by the relevant government entities; and
- c. Ordering, instructing and funding or forcing one or more individuals/ groups to usurp land.

#### **ARTICLE 98: MULTIPLICITY OF CRIMES OF USURPATION OF LAND**

Those committing the crime of land usurpation, in case of committing the crime in the following manner, shall be punished with maximum limit of punishments that shall not exceed (20) years;

- a. In case of bribing, fraud or use of fake/forged documents for usurpation; and
- b. In case of misusing the power, influence or official authority for this purpose.

#### **ARTICLE 99: NON-APPEARANCE OF FARMER IN THE ASSESSMENT AREA**

Whenever a farmer, his heirs or successors deny appearing in the assessment area during the working of the Assessment Board, despite notices served upon him/them, for the purpose of assessment of land without any justifiable grounds, they shall be liable to pay a fine of up to AFN 50,000.

#### **ARTICLE 100: DELIBERATE DESTRUCTION**

A person who deliberately destroys government, public, private, public grazing and private grazing pieces of land and their related system of irrigation, equipment and other fixtures, shall be liable to compensate the losses causes along with a fine equivalent to the cost of damage caused.

#### **ARTICLE 101: FAILURE TO NOTIFY TRANSFER AND OTHER DEVELOPMENTS**

A farmer who intentionally avoids notifying AILA within ten (10) working days of developments taking place in the land including discovery of mines and historic items / gadgets shall be subjected to fine ranging between six thousand (6,000) and thirty thousand (30,000) Afghanis.

## **ARTICLE 102: RECOVERY OF DISTRIBUTED LANDS**

1. In case a piece of land is allotted to deserving person, but he or his family members fail to cultivate, construct, prepare-for-use the same within one year from the date of allotment or fail in payment of three consecutive installments of the land without any justifiable excuse; the land shall be recovered from him/them.
2. In case a person does not pay the installments of allocated land within the time specified, he shall be liable to pay a fine of five (5%) percent of the amount payable in addition to payment of the installments due.
3. In case a land deserving person prior to issuance of the Land Ownership Certificate sells or transfers the allotted land, he shall be liable to compensate the government for any damage/loss incurred; in addition, the land shall be recovered from him.
4. When it is proved that a person wrongly presented himself as a deserving person for land distribution, the land allotted to him shall be recovered and the installments he deposited shall be refunded.

## **ARTICLE 103: FORGING DOCUMENTS**

A person who commits forgery of documents related to lands or properties, AILA shall refer his case for the purpose of prosecution to legal and judicial authorities.

## **ARTICLE 104: PROHIBITION OF THE EXPRESSION OF OPINION IN FAVOR OF INDIVIDUALS**

In circumstances when members of the Assessment Board, other boards and employees and staff directly involved in the process of assessment are found to have provided information in relation to government, public, public grazing, private grazing and endowed lands to other individuals shall be punished with medium term imprisonment which shall not exceed three (3) years.

## **ARTICLE 105: ERROR IN AREA, BOUNDARIES AND LAND LOCATION**

In case it is found consequent to the process of assessment that false information was deliberately provided by the farmer regarding area, boundaries and location of private, government, public, public grazing, private grazing and endowed lands; or that private, government, public, public grazing, private grazing and endowed land has been included as land owned by another person and is registered in the valid land documents due to such wrongful

information, the matter, following the issuance of Assessment Opinion, shall be referred to a competent court for rendering a judgment.

## **CHAPTER THIRTEEN: MISCELLANEOUS PROVISIONS**

### **ARTICLE 106: LAND REQUIRED**

In case Ministries, government entities and municipalities require a piece of land, they may submit an application to AILA in accordance with provisions of this law.

### **ARTICLE 107: TRANSFER OF SOME FUNCTIONS**

Gradual transfer, from the Supreme Court of Afghanistan to AILA, of the function of issuance of *Qabala* and registration of the same throughout the country shall take place on the basis of a protocol to be signed between the parties after entry into force of this law.

### **ARTICLE 108: NON-AGRICULTURAL ACTIVITIES ON AGRICULTURAL LANDS**

Construction of roads, buildings, installations and other non-agricultural activities on agricultural lands shall remain prohibited. In case of dire need, the government entities and municipalities shall obtain prior approval of AILA and endorsement of the president of the Islamic Republic of Afghanistan.

### **ARTICLE 109: UTILIZING TRANSFERRED LANDS**

The ministries, government entities, NGOs, private and government companies and municipalities may not utilize lands transferred to them for purposes other than those for which the transfer took place. In exceptional circumstances, however, they shall obtain prior approval of AILA and endorsement of the president of the Islamic Republic of Afghanistan. In all cases where the transferred land has not been utilized within three (3) years of the transfer for the purpose for which it was transferred, the land shall be transferred to the government excess lands.

#### **ARTICLE 110: SUBTRACTING LANDS AND PROPERTIES**

1. The expropriating authority shall, following completion of the expropriation process, subtract expropriated private lands and properties from private ownership and register the same in the name of the expropriating authority in the local AILA office;
2. In case of transfer, distribution and exchange of government lands, the provincial or district AILA office shall subtract the land or property from the government ownership and register the same in the name of expropriating authority or its new owner;
3. Following issuance of the ownership documents by AILA, owner of the land shall register the new land and property transfers in the local AILA office, and in case the land is part of the municipality plan, the transfer shall be registered with the AILA office as well as the relevant municipality where the land is located.

#### **ARTICLE 111: MAINTAINING ASSESSMENT DOCUMENTS**

Once the task of the Assessment Board is complete, the original assessment documents shall be maintained and registered in the archive offices of the AILA office of the relevant province. a copy of the documents shall be transferred to the archive of the Central AILA for the purpose of registration and maintenance.

#### **ARTICLE 112: MATTERS RELATED TO URBAN UNOFFICIAL LANDS**

Matters related to the protection, survey, registration and issuance of the ownership document to the possessor and residents of urban unofficial / unplanned lands and properties shall be managed by AILA in coordination with Kabul Municipality, other relevant municipalities and entities and shall be regulated by a separate regulation.

#### **ARTICLE 113: REGISTRATION OF G.P.S EQUIPMENT**

Ministries, government and non-government entities, as well as domestic and foreign organizations shall register with AILA all sensitive GMSS G.P.S equipment that are planned to be used for the purpose of geodetic measurements.

AILA shall receive fifteen thousand (15,000) Afghanis as registration fee and deposit the same amount in the government Bank account as revenue.

#### **ARTICLE 114: PROHIBITION OF RECORDING COORDINATES**

Ministries, government entities, as well as domestic and foreign non-governmental organizations are barred from recording coordinates of the country's borders, military and defense installations and areas.

#### **ARTICLE 115: RESTRICTIONS ON GEODETIC REFERENCE STATIONS**

Ministries, governmental and non-governmental entities, as well as domestic and foreign non-governmental organizations having sensitive G.P.S equipment are barred from establishing / creating geodetic reference stations in Afghanistan without prior permission of AILA.

#### **ARTICLE 116: ESTABLISHING SPATIAL DATA INFRASTRUCTURE BOARD**

A spatial data infrastructure Board shall be established for the purpose of regulating, cooperating and coordinating matters related to spatial data on the recommendation of AILA and approval of the President of the Islamic Republic of Afghanistan.

#### **ARTICLE 117: OPERATING GEODESY AND CARTOGRAPHY SERVICES BY PRIVATE SECTOR**

In case AILA deems it necessary, it may seek services of the private sector to perform geodesy and cartography services.

#### **ARTICLE 118: PROPOSING REGULATIONS AND DEVISING GUIDELINES**

AILA may propose regulations and devise guidelines to facilitate better execution of the provisions of this law.

#### **ARTICLE 119: ENTRY INTO FORCE**

This law shall enter into force on the date of its endorsement and should be published in the Official Gazette, thereby nullifying the Law on Management of Land Affairs published in the Official Gazette # 958, dated 10.05.1387 (31 July 2008 AD); the Law on Survey and Cadaster published in the Official Gazette # 674, of 1374 (1995 AD); the Regulation on the Geodesy and Cartography Authority published in the Official Gazette # 517, of 1361 (1988 AD), and their annexures published in the Official Gazettes # 911, of 1385 (2006 AD), and # 10226 dated 1389 (2010 AD) and all other provisions which may happen to be in contradiction with the provisions of the present law.