

Decree on distribution and sale of state owned land for residential, commercial and high rise buildings in Kabul city

Chapter I General provisions

Article 1

This decree shall regulate the distribution and sale of state owned lands for building residential houses, commercial and civil buildings in accordance with the Master Plan of the city.

Article 2

For the purpose of this decree the following terms shall have the following meanings:

1. Acquisition: receiving state owned lands in accordance with the law.
2. Distribution: allocating land plot to eligible person subject to the approval and determination of eligibility by the authorized commission.
3. Sale: promise of contract of sale on the basis of which the state owned land plot shall be submitted to eligible person after he pays the price.
4. Sale price: price paid by the eligible person in accordance with the law applicant on the basis of the law provisions.
5. Land plot: a portion of land distributed to the eligible persons in residential project for construction of houses and commercial activities.

Chapter II Preconditions subject to determination of eligibility

Article 3

Only names of those persons shall be included in the list of distribution of state owned residential lands [Emirate] who meet the following preconditions:

1. An individual, his spouse and his minor children must not own any residential house, apartment or land plot in Kabul city.
2. Filling out and completion of the form by the relevant administrations.

Article 4

1. Civil servants [Emirate employees] may submit written applications for the purpose of obtaining land plot to employed Ministry, Administration or Organization in accordance with provisions of this decree.
2. Persons holding no official jobs may submit written applications for the purpose of obtaining land plot to the relevant Municipality.
3. The administration to which the application has been submitted, shall distribute the form to persons out lined in article 1& 2 of this decree.
4. Persons, administrations, companies and organization that are interested to obtain commercial and high rise building lands in Kabul may submit written applications to Kabul Municipality.
5. The relevant office of Kabul Municipality shall insert the applications in the book and on the basis that shall proceed subject to the date of issuance of order.

Article 5

Identification of applicants shall be registered in special book containing serial number in relevant office subject to the date of issuance of order and applicant shall receive a receipt.

Article 6

Eligibility of civil servants for obtaining state owned lands [Emirate] shall be subject to determination of authorized commission of Kabul Municipality. Ministries, Administrations and organizations may identify the relevant applicants to Kabul Municipality.

The commission shall be composed of the following:

1. Mayor of Municipality as president.
2. One of deputy mayor as deputy.
3. President of the planning and architecture department as member.
4. President of Milkiat ha department as member.
5. President of relevant District Office as member.

Article 7

Determination of eligibility of persons not holding official jobs shall be subject to decision of authorized commission outlined in article 6 of this decree.

Article 8

The commission outlined in article 7 of this decree shall be responsible for the following responsibilities:

1. To determine the eligibility of applicant subject to ancientness of work that the applicant has done in governmental organization and date of issuance of order.
2. To identify eligible person to relevant office to obtain land.
3. To maintain the form subject to determination of eligibility when signed by president or deputy president of commission as an official document.

Article 9

A person who has applied previously for residential apartment may replace it with land subject to date of issuance of order.

Article 10

A person who has obtained residential land plot in Kabul city in accordance with law, his spouse and minor children shall not be recognized eligible to obtain land for second time.

Article 11

Eligibility of soldiers (compulsory or reserving period) and retired persons shall be determined by authorized commission outlined in article 6 of this decree in accordance with provisions of this decree.

Article 12

Eligibility of soldiers who did not hold official job prior to recruitment be it compulsory or reserving shall be determined by authorized commission of relevant Municipality.

Article 13

Commission outlined in article 6 of this decree shall revise at the beginning of each year the relevant registration book and on the basis of document shall omit names of the following persons:

1. A Person who has obtained through other sources state owned apartment [Emirate] or state owned land plot.

2. A person who has provided wrong information to relevant office despite having house or residential land in Kabul city.

Article 14

Commission responsible for distribution of commercial and high rise building lands, shall take decision regarding each applicant and issue its decision on the basis of information and applications provided by relevant offices.

Article 15

Commercial and high rise building lands shall also be distributed by authorized commission outlined in article 6 of this decree.

Article 16

A plot of land shall be distributed to eligible person who pays the specified price.

Article 17

Persons, Administrations and companies to which commercial and high rise building lands are distributed shall pay 20 % of ascertained price as guarantee within one month as deposit in a count of Kabul Municipality

Article 18

Total price of commercial and high rise building lands shall be paid within two months after paying 20 % as guarantee in account of income of Municipality.

Article 19

Kabul Municipality and other relevant administrations shall submit distributed land to eligible person within six months and shall grant permission for construction.

Article 20

Legal deed shall be prepared by court under jurisdiction of which the land falls.

Article 21

Legal deed to eligible person or his legal deputy shall be given in accordance with law provisions.

Chapter III

Restitution of distribution and sale of land plots

Article 22

Contract of sale and distribution of land shall be abrogated and the land shall be restituted in following cases:

1. In case owner does not pay price of land until six months up on the date when authorized commission determined.
2. In case owner does not complete 40 % of constructional work of building within three years after the date of paying price.
3. In case owner does not pay 20 % of money as guarantee of price of the commercial or high rise building land within one month after date when the decision was made by authorized commission in account of Kabul Municipality as deposit .
4. In case the owner does not pay total price of commercial or high rise building land within two months after delivery of deposit money in account of Kabul Municipality.

5. In case owners do not submit constructional maps within one year to relevant office.
6. In case restitution of commercial land, the original price shall be paid and administrative expenses shall be restored from the total price.
7. In case owner does not start constructional work of commercial and high rise building within three to six months after the date when land was submitted to owner in this case the land shall be restituted and distributed to other eligible person.
8. In case a person dies prior to obtaining residential and commercial land, his proven right shall be conveyed to his legal heirs.

Article 24

Any person who has held state owned land on his own initiatives, the land shall be restituted and the individual shall be punished in accordance with Sharia law.

Chapter IV
Final provisions

Article 25

1. For effective implementation of this decree, Kabul Municipality may when considers necessary in association with security administrations and other relevant administration enact specific regulation in accordance with this decree.
2. Provisions of this decree may be applicable in other provinces having its own master plan.
3. This decree shall enter in to force and shall be published in official gazette, with entry in to force of this decree ,the decree on distribution and sale of state owned apartment and lands published in official gazette (725) on 1369 solar year shall be abrogated .