

**The Official Gazette**  
**Law of land survey, verification and registration**

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The office of The Prime Minister  
Decree No. 718, dated, 30/05/1355

Dear Dr. Abdul Majid, the minister of justice,

The cabinet meeting upon checking the proposal of the ministry of finance, dated 19/5/1355, approved the following pursuant to the decision number 1541 in the meeting of 19/5/1355:

“The law of land survey, verification and registration shall be approved, which has 106 articles and is stamped by the secretariat.”

You are notified about the approval of the council of ministers which is confirmed by His Excellency the president of The Republic of Afghanistan, and registered as No. 1786, dated 19/5/1355, so that you shall take action to publish it in the official gazette.

Sayed Abdululah

## **The law for Land Survey, Verification and Registration**

### **Chapter one General provisions**

Article one:

This law is enacted to regulate land survey, verification and registration.

Article two: for the purposes of this law, the following definitions have the following meanings:

*Log book*: this is a ledger for recording the property owned by a person, and any related changes, limitations or obligations, in accordance with valid documents [documents which can be used as evidence for issuing a decision].

*Owner*: a person who has complete legal control over land in accordance with valid documents.

*Certifiers*: two persons who are neighboring landlords, representative of the village or the precinct, a civil servant of Amlak (Property Dept), or a professional civil servant of agriculture.

*Parcel*: a piece of land which forms a part or all of the area used for cultivation by the owner or payer [payer of taxes by some one other than the owner such as a lessee or legal representative?], and is surrounded by the land of [other] persons, rivers, public streams or road, mountain or state owned land, or public property.

*Unit of measurement*: the unit for measuring land shall be the Jereeb which is equivalent to 2000 square meters or to the fifth of a hectare.

Any land measured with the Jereeb equaling 1936 square meters shall be converted to *Jereeb*s equivalent of 2000 square meters, with a multiplier of 0.968.

*Cultivation area*: one or more parcels of land in the control of a single payer or owner. Cultivation area may be composed of parcels located in one or more taxation zones.

*Family*: the supporting head of the family, his wife, and children that have not reached the legal age of maturity, who are under the direct guardianship of the head of the family. A Family shall be regarded as one person for the purposes of this law.

*Cooperative*: agricultural cooperative [company]

*Excess Jereeb*s: that part of the Cultivation Area of a person which shall be designated, in accordance with valid documents, as in excess of his merit

*Data entry books*: the ledgers of property, taxation, Excess Jereeb, and temporary taxes which are only for registering properties verified outside of the zone.

*Ownership documents*:

- A decree by the state
- A decree by the office of the prime minister
- A legal [sharia based ] document evidencing the sale, transfer, or inheritance of a property
- A document evidencing irrigation water rights
- A document evidencing taxation; or
- A customary deed

*Relatives*: Parents, son, daughter, wife, husband, sister, and brother

*Verification committee*: A committee composed of five civil servants who are assigned in a zone by The Land Reform Administration to determine the validity of the ownership documents, the surface area, quality grade, or tax of land, or to distinguish privately owned lands from state owned lands.

*Evaluation team*: A team composed of two professional staff from Cadastre, one from Agriculture, and one from Amlak.

## **Chapter two Declaration**

### Article three:

The owner or the payer shall be obliged to duly fill in the declaration form which is distributed to him by the relevant Zone, detailing all the parcels of cultivation land, within a time period as determined by the Ministry of Finance, and shall submit the form to the relevant zone, upon certification by the certifiers, and receive a receipt.

### Article four:

The declaration form of the following persons shall be filled and certified in the following manner:

- 1- The declaration of minors – by the relevant legal guardian or executor of will [guardian of the first or second category]
- 2- The declaration of mentally retarded or insane – by his/her legal guardian or administrator [guardian of the first or third degree]
- 3- The declaration of ill persons who are mentally intact—by themselves and certified by two of their relatives
- 4- The declaration of imprisoned persons—by themselves and certified by the head of the prison.
- 5- The declaration of absent persons with no legal agent – by two of their relatives while the absent person shall retain the right to object to such a declaration for up to three months [ from the date of submission]
- 6- For properties shared by two or more persons, the declaration shall be filled by all of the partners incase all of them are present, otherwise, only the partners who are present shall fill it in. However, the absent partners may object to the declaration of the other partners up to one month.
- 7- For properties in the possession of organizations, companies or such others [legal entities], the declaration form shall be filled by the chairman or the legal agent of them.
- 8- The declaration form for endowed property shall be filled by the one in charge for such property.

### Article five:

In all cases where the declarer shall be illiterate, the declaration form shall be filled by another person and fingerprinted by the owner or payer for the land. Subsequently, the certifiers shall endorse the declaration and the genuineness of the fingerprint.

### Article six

If the owner or payer does not take action to fill the declaration form within fifteen days, the contents to be entered in the form shall be filled by the representative of the village and two landowners whose lands are located next to the person's land.

### Article seven

The declaration form shall be distributed free of charge, to the landlords in a zone, the list of whom is prepared in accordance with the log books for property and taxation of that zone, or ownership documents.

### Article eight

If an owner or payer has some pieces of land in one or more taxation zones, s/he shall fill the declaration in the zone where he first receives a declaration form, in accordance with article three of this law. When the Amlak official of the other zone certifies Part C of the declaration form, he shall be responsible to write the sequential number of the declaration form together with the location for the distribution of the form on the same row of the name of the owner or payer in the log book of properties and the prepared list of landlords. During the distribution of declaration

form in the mentioned zone, such an owner or payer shall not be provided with another declaration form.

#### Article nine

When a person shall, in addition to his own private land, share the ownership of one or more parcels of land with one or more persons, the land area of his share in the jointly owned land shall be regarded as the area of his cultivation and shall be entered as such in his declaration.

If one or more parcels of land shall be the shared ownership of more than one person, who are not members of the same family, each one of such persons shall be obliged to fill a separate declaration. The specifications of the document [of ownership], and the shared ness of the property shall be described in the declaration.

#### Article ten

The declaration forms shall be sent to the Central Amlak Archives through the Amlak branch office upon completion of the procedures for verification and registration of results in the log book, and for determining the boundaries in the new title deeds.

### **Chapter three Survey of Lands**

#### **Part one: the cadastre survey**

#### Article eleven

The cadastre survey shall be carried out by The Department of Cadastre Survey.

#### Article twelve

The Department of Cadastre Survey shall give a 15 days prior notice concerning the start of survey operations in a zone to the concerned community through radio and other possible means.

#### Article thirteen

The cadastre survey of each parcel of land shall be conducted for the purpose of identifying the owner, and determining the quantitative or qualitative specifications, and the type of rights attached to such land.

#### Article fourteen

The cadastre survey shall cover all useable lands, distinguishing the parcels of such lands in each zone, and the results thereof shall be submitted to the administration for land reforms.

#### Article fifteen

For the purpose of carrying out the cadastre survey, the assigned civil servants shall be authorized to enter private lands. Whenever a part of such lands shall be a residential area, the assigned civil servants shall be obliged to comply with the legal provisions for house immunity, during their entry.

#### Article sixteen

The owners, payers or the possessors of lands or their legal representatives shall be obliged to be present during land survey together with the representative of the village and the [persons responsible for] the neighboring lands, and shall correctly provide all necessary information. When they are not present within fifteen days, their land shall be surveyed as presented by the peasant, representative of village and two neighboring land owners.

#### Article seventeen

The committee for cadastre survey shall survey and determine the boundaries and related specifications for land parcels as declared by the landlord and confirmed by his land neighbors,

and shall record the results thereof on a map and relevant tables. If landlords shall have differences with regard to the boundaries of land parcels, the delegation shall resolve such differences through an arbitration committee or four relevant gray haired persons [seniors/elders], within ten days.

If the dispute of land lords may not be resolved within such time, the survey committee may submit the issue to a specialized court for final decision, provided that no loss is deemed to be accrued to state property, and the court shall be obliged to issue a decision with regard to the dispute within one month. If it is deemed that a loss accrues to state property, the case shall be submitted to the verification committee.

#### Article eighteen

The results of cadastre survey which has been carried out prior to enforcement of this law shall be used for verification of lands and assessment of progressive tax on lands.

If such information is deemed to be inadequate, the department for cadastre survey shall, in cooperation with the Land Reform Administration, engage in completing the information.

#### Article nineteen

For purposes of cadastre survey, the cultivation areas, pastures, and forests shall be surveyed in that order of priority.

#### Article twenty

Local units of measurement shall be converted to Jereeb on the basis of a table prepared by the Department for Cadastre Survey and approved as required by law.

#### Article twenty one

The cadastre survey for areas designated for developmental projects shall be carried out on the official proposal of the relevant agency to distinguish state property from private [property in such areas].

#### Article twenty two

The committee for cadastre survey shall be responsible to ensure the accurateness/correctness of measurement, surface area and boundaries for each parcel of land in the relevant zone. The committee shall prepare a list of contingent owners in cases where it can not determine the real owners for some parcels of lands due to absence of valid ownership documents.

#### Article twenty three

For each parcel of land for which the cadastre survey is completed, a form shall be prepared and the identity of the owner, boundaries, surface area, and other quantitative or qualitative specifications of the parcel shall be recorded therein.

#### Article twenty four

The committee for cadastre survey shall be responsible to announce the results of their land survey in a village to the residents of such a village upon completion of the procedures related to surveying.

A copy of the map and list of contingent owners for each parcel of land shall be posted in a proper location visible to the public at the village.

#### Article twenty five

Those who are not satisfied with the results of cadastre shall submit a written objection within one month upon announcement and posting of maps and lists containing names of owners of lands to the cadastre committee. The cadastre committee shall engage in resolving the objections in the presence of village representatives.

In case such persons shall be not satisfied, they may submit the case to the specialized court, and the court shall be obliged to issue a decision within one month [disposing of the case]. Upon the rendering of a decision by the court, the maps and lists containing the names of landlords shall be amended, stamped and signed by the cadastre committee, which shall be final and ready for use.

Article twenty six:

If the property of a number of people shall, in accordance with the ownership documents, be shared in the name of another person or village, such property shall be surveyed separately for each of such person and recorded in the relevant list, if they have written agreement as to the distribution of their relevant land, upon the confirmation of the arbitration committee or four elders.

Article twenty seven:

All lands not owned by natural or legal persons [other than the state], in accordance with legal documents of ownership, shall be regarded as the property of the state.

Article twenty eight:

If the results obtained by the evaluation group do not match those of the cadastre survey, anew cadastre survey may be conducted, for not more than once, prior to the verification of lands, as ordered by the Administration for land reforms. The old maps and lists of cadastre shall be amended on the basis of the [new] results.

Article twenty nine:

The department for cadastre survey shall prepare a list of the parcels of lands included in a map and a list of the contingent owners for such parcels.

Whenever a map shall be signed by the chairperson for a cadastre committee or his/her authorized representative, the map shall be regarded as official, and a list of the contingent owners and parcels of lands included therein shall be made available to the relevant branches of the department for verification and registration of Amlak.

Article thirty:

The survey committee shall for the identification of the parcels of land included in maps install certain signs at appropriate locations in a village. The representative of the village, the residents and the owners of lands shall be obliged to safeguard the mentioned signs.

Articled thirty one:

The parcels of land shall be regularly numbered and divided into plots of cultivable lands, for every village, in the maps and lists. Such numbers shall be used to identify the parcels of lands.

Article thirty two:

Whenever the owner of a parcel of land included in the official map wants to sell or otherwise transfer all or a piece of his land to another person, in compliance with a valid document, the authorized court shall be obliged to ask the endorsement of the Property office concerning the number of Jereeb, boundaries and other specifications of the land prior to the preparation of legal documents or transferring the land. The court shall also send a report about the means for transferring the ownership to the relevant cadastre administration upon issuance of legal documents so that relevant data may be amended in the maps and lists of the survey.

Article thirty three:

All lines, streams, rivers, roads and other distinguishing marks which separate parcels of land from one another as well as villages and individual buildings which are located in such parcels, shall be marked separately on the maps and lists of survey.

Article thirty four:

The Department of Cadastre shall determine the amount of fee to be collected for provision of any technical service such as carrying out individual surveys, preparation of maps or cards at the proposal of persons, in accordance with the Rules, and shall deposit it to the Finances of the state.

Article thirty five:

In case of need for urgent surveying of areas not surveyed by cadastre, the surface area and the quality grading for each parcel of lands in the area shall be surveyed by the evaluation Team and the declaration form shall be amended in accordance with the results of such a survey.

## **Part two: Other types of survey**

Article thirty six:

Other types of survey, collection of data which facilitate subsequent surveys, taking aerial photos, topographic maps, and engineering and technical surveys of lands located in the required areas shall be carried out by the relevant administrations upon the agreement of the cartography administration or the agreement of the ministries of defense and internal affairs if the lands are located in the prohibited areas.

Article thirty seven:

Other types of surveys intended for public interest may be conducted by the relevant administrations.

Article thirty eight:

A copy of the results of land surveys shall be sent upon completion to the Archives for maps and Results of Land Surveys at the Head Office for Cartography.

Article thirty nine:

The relevant offices may when needed use the maps and results of land surveys stored at the Archives of the Head Office for Cartography, in accordance with the procedures of the Head Office.

## **Chapter four Verification of lands**

### **Part one: Introductory provisions:**

Article forty:

The verification of land includes the determination of ownership, irrigation water rights, surface area, quality grade, tax [amount], and registration of the area of cultivation in the log book.

Article forty one:

A verification committee shall be appointed by the administration for Land Reform for each zone in tandem with the requirement of work, and shall be composed of the following members:

1. an administrative member (a representative from the land reform administration)
2. a judicial member ( a representative from the ministry of justice)
3. a technical member (a representative from the cadastre survey department)
4. an agricultural member (a technical representative from the ministry of agriculture)
5. a financial member (a representative from the ministry of finance)

The administrative member shall be the chairman of the committee. In the verification and registration of lands, the members of the committee shall be responsible jointly in the rendering of decisions and severally in the fields of specialization.

Article forty two:

The verification of lands in a given area shall take place pursuant to a prior notice, in accordance with the provisions of this law.

Article forty three:

The verification committee shall carry out the verification process in the areas surveyed by cadastre, in accordance with the declaration and on the basis of property registration documents, maps and results of the cadastre survey, as provided for by the articles of this law.

Article forty four:

In the areas where there has been no cadastre survey carried out, a rapid verification process may be undertaken on the basis of the declaration, results obtained by the evaluation group, and ownership documents, for the purpose of implementing the Land Reform Program.

Article forty five:

The results of the rapid verification shall be matched to those obtained from the cadastre survey which will be carried out subsequently, and shall be amended accordingly.

Article forty six:

For the purpose of implementing land reform programs, the verification process for properties which encompass more than a hundred Jereeb of land owned by one person shall be carried out as a priority, in accordance with the results of cadastre survey or the declaration, followed by the verification of other cultivable land.

## **Part two: evaluation of documents**

Article forty seven:

For the purposes of land verification, the following documents shall be regarded as valid in order to determine and specify the ownership of property:

1. a decree by the state
2. a decree by the office of the prime minister
3. a legal document establishing the sale, transfer of ownership, or division of inherited property
4. a document establishing irrigation water rights
5. a document for taxation
6. a customary document prior to the 15, 05, 1354

Article forty eight:

If the verification committee finds suspected documents during the evaluation of documents referred to in article forty seven of this law, they shall submit such documents to the relevant court for verification, and the court shall be obliged to issue a decision within 15 days from the submission date of the document concerning the validity of the document, and shall officially submit the results to the verification committee.

Article forty nine:

The conditions for validity of legal [sharia based] documents shall be as follows:

1. the deeds for final sales and other similar legal documents used for establishing the ownership of immovable property in disputes resulting from the enforcement of this law, shall be valid only if compliant with the following terms:
  - a. to be registered in the Secure Registry of the Judiciary
  - b. to be an evidence, in accordance with Sharia, against the claim of any claimant; and
  - c. There shall be no other sharia based documents in favor of the opponent party [that nullifies the document referred to in section b].
2. if the legal document is based on sharia but not found to be registered in the Judicial Registry, and prepared at or after 1308, it shall be valid only if:
  - a. a summary of its contents are present in the quarterly reports of legal documents archived in the Ministry of Justice; [and]
  - b. There are at least three other legal documents similar to the one in question, written with the same handwriting and stamped and signed by the same judge who prepared the legal document in question. Such documents shall be registered in the Secure Registry.
3. the legal document is based on sharia but not found to be registered in the Judicial Registry, and prepared before 1308, it shall be valid only if:
  - a. There are at least three other legal documents similar to the one in question, written with the same handwriting and stamped and signed by the same judge who prepared the legal document in question; [and]
  - b. The claim shouldn't have terminated due to the passage of too long a time, in accordance with law.
4. The verification team shall be obliged to send the legal documents referred to in this article to the relevant court to decide about the validity thereof.

Article fifty:

The documents for irrigation water rights and taxes, and the log book for taxes shall be deemed valid only when the presenter of such documents has had hold of the immovable property in question for at least 15 years by the time of presenting such documents.

Article fifty one:

1. the customary documents for the period prior to 15, 05, 1354, shall be valid only if:
  - a. The declarer [grantor] is not a state authority.
  - b. Is not aggrieving a third party, including the state.
  - c. The immovable property referenced in the document is not already recorded as a state owned property, in accordance with law.
  - d. There is no dispute over the ownership of the property of the grantor, which has been presented in accordance with law to the court.
  - e. An arbitration committee or four elders of the village or the area where the immovable property is located, declares in favor of the validity of the document in the court. [and]
  - f. The customary document does not contain more than 10 Jereeb of grade I land or the equivalent thereof in other categories, governed by article two of the law for land reforms.

In order to fulfill the above and other sharia based conditions, the verification committee shall be obliged to send the customary documents to the relevant court and take action with regard to the validity of the document upon obtaining the opinion of the court. If a parcel of land is regarded to be owned by a particular person on the basis of customary documents, the application of customary documents shall in all cases be subject to the laws governing legal documents and registration of property.

Article fifty two:

The document for cutting fuel wood, lease agreement, tax registration, life long tenancy contract for cultivation of land, or other such documents shall never be regarded as ownership documents.

Article fifty three:

If the ownership document of a person shall be regarded as invalid by the verification committee, the area referenced in such document shall be regarded to be owned by the state.

Article fifty four:

If the seller of a parcel of land owns more than one hundred Jereeb of land, the customary document entered into between such a person and the purchaser prior to the enforcement or during the implementation of this law, shall be invalid.

### **Part three – measurement of lands**

Article fifty five:

After deciding on the validity of the ownership document, the surface area of the cultivation area of a person shall be evaluated parcel by parcel by looking into the results of the cadastre survey, aerial maps, work of evaluation group, declaration form, and comparing those with the actual area referred to in the ownership document in order to determine the surface area and to distinguish the excess Jereeb of land.

Article fifty six:

If there shall be a difference between the surface area mentioned in the ownership document and that reported by the results of cadastre survey, the declaration or the evaluation team, the difference shall be regarded as Excess Jereeb.

Article fifty seven:

The cultivation area of a person shall be determined on the basis of the cadastre survey, evaluation group, or the declaration form.

Article fifty eight:

The area of land truly owned by a person shall be determined on the basis of his ownership document.

Article fifty nine:

Whenever the following differences emerge during the verification process, such differences shall be submitted to the evaluation groups for deciding:

1. When there is difference between the boundaries mentioned in the valid document with those specified by the cadastre survey or the declaration form.
2. when the specifications of land required for determining the quality grade of each parcel can not be found
3. When there is no coordination in the filling of the declaration form and can not be used by the committee.
4. When the results of cadastre survey have changed due to the passage of time or to conveyance of property.
5. When the declaration form or the cadastre survey for the area have not been completed or not started for the sake of bribing.
6. When the local unit for measuring does not correspond correctly to those referenced in the table for converting units.
7. When the verification committee faces disputes which require a reevaluation in the area for settlement.

Article sixty:

If the results of the evaluation group are shown to be in contradiction with the results obtained by the cadastre survey, the results shall be communicated to the cadastre department through the property registration office, upon the agreement of the verification committee so that maps may be corrected.

Article sixty one:

In order to determine the actual surface area of land in Jereebis in areas where the surface area of lands is recorded with the local units of measurement in the ownership documents, the department for cadastre survey shall prepare a table for converting the local units for each district and village and shall make it available to the verification committee.

If the committee finds a unit of measurement not included in the list of units or the conversion of units included in the list are not applicable to a particular area, three parcels of lands with a known surface area in the local units shall be selected randomly and measured by the evaluation group and the representative of the area in Jereebis, and an average of the ratio for changing such units to Jereebis be found. Thus, the units for measurement of surface area of the property of residents of that area which is referenced in the ownership documents shall be converted to Jereebis and clarified, and the area of Excess Jereebis shall be determined as follows:

1. if the area of the cultivation has been measured by the cadastre survey, the area of cultivation converted to Jereebis, shall be deducted from the area reported by the cadastre survey, and the difference shall be the Excess Jereebis.
2. If the area of cultivation has not be surveyed by cadastre, the real area of cultivation of a person shall be determined by the evaluation team and the cultivation area in Jereebis shall be deducted from such real area. If there is any difference, that part shall be the Excess Jereebis.

Article sixty two:

If only the boundaries of a property are mentioned in the ownership document but not the surface area in any units of measurement, the amount [of land] for taxation shall be accepted as the measurement for his area of cultivation and the verification of his land shall be undertaken in accordance with article 61 of this law.

Article sixty three:

If both the surface area and the boundaries are mentioned in the ownership document, the area mentioned in the document shall be valid and the surplus shall be regarded as the excess Jereebis.

#### **Part four: the quality grade of land:**

Article sixty four:

Upon the processing of ownership document and measurement of the surface area of a the cultivation area of a person, the grade for each parcel of the land shall be specified in accordance with the results of the cadastre of survey, declaration form, or the decision of the evaluation group.

Article sixty five:

If there are differences in the declaration of a person and the results of the cadastre survey, the verification committee shall correct the quality specifications for each parcel of land in accordance with the results obtained by the evaluation team, and shall re- classify the land in accordance with Law on Progressive Tax on Land.

Article sixty six:

The areas of cultivation not surveyed by cadastre, or when the results of the cadastre survey can not provide adequate specifications for determining the quality grade of land, the verification team shall compare the contents of the declaration concerning quality specifications with those mentioned for each parcel of land by the evaluation team. The verification committee shall re- define the grade of the land in accordance with article 4 of the law on progressive tax on land.

Article sixty seven:

The grade for each parcel of an area of cultivation which is assigned or reassigned by the verification committee for a parcel of land shall be converted to grade one in accordance with the law on progressive tax of land and shall be recorded in the relevant declaration.

Article sixty eight:

For those areas of land not surveyed by cadastre, the results of the evaluation team shall be compared when needed to the quality specifications contained in the declaration and the grade of the land shall be re- determined, in accordance with article four of the law on progressive tax on land, by the verification committee. [Redundant: repeating article sixty six?]

Article sixty nine:

The grade for each parcel of cultivation land re determined by the verification committee shall be changed to grade one in accordance with article nine of the law on progressive tax of land , and shall be recorded in the relevant declaration form. [Repeating article sixty seven?]

### **Part five: Excess Jereeb**

Article seventy: Jereeb for the purposes of calculations of this part shall mean one Jereeb of land of class one or the equivalent of class two which are governed by article 2 of the Land Reform Law.

Article seventy one:

A person, who has Excess Jereeb of land, shall be dealt with as follows:

1. A person whose cultivation area including the Excess Jereeb does not exceed 10 Jereeb, the excess Jereeb shall be regarded his property.
2. A person whose cultivation area including the Excess Jereeb is more than 10 Jereeb, while his actual property is less than 10 Jereeb in accordance with valid documents, such a person shall own only 10 Jereeb from his area of cultivation and the other shall be regarded as Excess Jereeb and thus a property of the state.
3. A person whose area of ownership is recorded in his ownership document to be more than 10 Jereeb of land, the Excess Jereeb of his cultivation area shall be regarded as a state property.

Article seventy two:

If a person who has Excess Jereeb, but can not own more than 10 Jereeb in accordance with valid documents or the provisions of article 71 of this law, while there are individuals in his family who are eligible to receive land under the land reform program, such individuals may each receive 6 Jereeb of land from the Excess Jereeb of the family upon agreement with the conditions. Any remaining land shall be become a property of the state.

Article seventy three:

A person who owns less than 10 Jereeb of land and his land is located in the neighborhood [next to] the Excess Jereeb of others or the property of the state, such a person may purchase from the state an amount of land to make his land up to 10 Jereeb, in accordance with the regulations for purchasing. The source of the purchased land may state property or Excess Jereeb of his neighbor.

Article seventy four:

If the surplus land of a person shall be located amongst numerous neighbors, such surplus land shall be sold to those neighbors who have each less than 10 Jereeb of land, in accordance with article 72. However, the cultivation area of the neighbor of the purchaser shall never exceed 10 Jereeb.

Article seventy five:

If upon the application of article 73, the area of the Excess Jereebis and state owned property located among neighbors shall be less than 6 Jereebis of land, the land shall be sold with cash through auction to those landlords of the location whose total area of cultivation shall not exceed the threshold amount of land due to the purchase.

Article seventy six:

The Excess Jereebis of a parcel of land shall be specified at the agreement of the person so that no damage is directed to his house or construction/cultivation. If the parcel of land is attached to a state owned land or the Excess Jereebis of his neighbor(s), the Excess Jereebis of such a person shall be specified in the area next to land of state or neighbors without incurring any damage to his house and construction/cultivation. If the Excess Jereebis are determined by the possessor so as to cover the areas containing his house, mills, machines and other constructions, the person shall neither have the right to destroy the installations nor to require compensation.

Article seventy seven:

If the cultivation area of a person is composed of many parcels and all parcels have the same grade, the Excess Jereebis shall be specified at the agreement of the person in one parcel or in more than one parcel in case of deficiency so that the Excess Jereebis may be covered.

If the cultivation area of a person shall encompass different grades of land, first, the parcels of his cultivation land and subsequently the area of land mentioned in the valid documents shall be converted to grade one, and after subtracting the area referenced in the ownership document of the person, the amount of land of excess Jereebis shall be determined and at the agreement of the person the be separated so that the excess Jereebis are located in one parcel or if the Excess Jereebis require more than one parcel , all or part of the second parcel shall be chosen so that the Excess Jereebis are covered.

Article seventy eight:

If the land of a person is located inside the lands for municipal and developmental plans or comprises state owned farms, he may not enjoy the concessions provided for in this law for excess Jereebis.

The administrations and institutions which have such projects and plans shall officially inform the land reform administration.

## **Part six: Taxation**

Article seventy nine:

The amount of the tax imposed on a person, which is mentioned in the declaration form, shall be determined by the verification committee, in accordance with the ownership document, surface area and grade of land, and distinguishing the Excess Jereebis.

Article eighty:

If the surface area and quality of the property owned by a person does not change in the verification process and the tax mentioned in part 8 of the declaration is correctly calculated, the verification committee shall confirm the amount of tax payable.

Article eighty one:

If there are changes in the surface area or grade of land owned by a person, the verification team shall assess the amount of tax on the property of the person as follows:

1. If there are no Excess Jereebis in the land of a person, the amount of tax shall be determined (and recorded) to cover all his property in accordance with article eleven of the law on progressive tax of land.
2. if the cultivation area of a person contains Excess Jereebis, the progressive tax on lands shall, in accordance with article eleven of the law on progressive tax on lands, be assessed on all of the area of land owned by such a person including the Excess Jereebis until such a time that the

state acquires the Excess Jereeb and the verification team determines the amount of tax accordingly.

3. if a person is eligible to own part or all of the Excess Jereeb in accordance with the incentives provided for in part five of this law, the tax shall be levied on all of the area referenced in valid ownership document for the property of such a person including his excess jereeb up to a total area equivalent of 10 Jereeb of grade one land, and shall be recorded as such in the declaration form.
4. If the cultivation area of a person becomes subject to the provisions governing tax exemption, relief or sanctions, the verification team shall deal with him in accordance with the provisions on progressive tax.

Article eighty two:

The Excess Jereeb of the land area of a person shall be recorded by the name of the possessor in the column for temporary taxation in the Log Book for Property until the land reform program is implemented. If the possessor denies paying land tax for the Excess Jereeb, the Excess Jereeb shall be removed from his possession and leased to another person through the relevant Amlak branch office. If the Excess Jereeb are removed from the possession of a person, the amount of tax payable by the person shall be assessed by the verification committee to include only the actual land area referenced in his ownership document.

### **Part seven: State owned property**

Article eighty three:

The property not owned by natural or legal persons in accordance with valid documents shall be regarded to be owned by the state.

State owned property shall be:

1. agricultural lands (either with water supply or rain fed)
2. gardens, forests, pastures, state owned Karizes [under ground water channels], ruined property, marsh, lands higher than the irrigation source, deserts, mountains, hills, river beds, non cultivated lands, ruined Karizes, and those cultivable lands, whether with water supply or rain fed, and springs which have been or are recorded in the Amlak ledger.
3. the properties the taxes of which have not been paid for 15 consecutive years or which have remained as ruined lands [for such period]
4. Properties endowed for public welfare and properties given away to the state.
5. Properties that have been confiscated and expropriated.

The above types of properties shall be managed and used by the relevant state administrations, in accordance with law.

Article eighty four:

Sale, purchase, and transfer of state owned property to persons shall be regulated by separate regulations.

Article eighty five:

The lands without owners which have been taken by a landless peasant with out ownership document shall be owned by the possessor only when:

1. the land has been in his possession for no less than 15 consecutive years
2. The possessor has changed arid lands to cultivable lands and there are streams, trees, agricultural activities and construction visible in the land.
3. the possessor has filled the declaration form and certifiers have endorsed section one and two of this article

The persons referred to in this article shall be eligible to own only up to an equivalent of ten Jereeb of grade one land, free of price, and the surplus shall be regarded as a state property.

Article eighty six:

The manner for changing arid lands owned by the state to cultivable lands shall be regulated in separate Regulations.

Article eighty seven:

A person who has changed state owned land to cultivable land pursuant to a contract or authorization of the state shall be dealt with in accordance with the terms of the contract or authorization, subject to the provisions of article two and three of land reform law.

Article eighty eight:

Any land given to people to cultivate in return for an amount of tax, or on a life long tenancy contract, prior to the enforcement of this law, such land shall be dealt with in accordance with article 86 of this law if it is a ruined land at the time, and shall be distributed to each person not more than 10 Jereebis if the land has been changed to cultivable land, is recorded in the name of such a person or his legal representative in the taxation ledgers, and the person has been holding the land for no less than 15 consecutive years, and does not have land, in accordance with regulations for the distribution and settlement on lands, and the surplus shall be regarded to be owned by the state.

Article eighty nine:

Cultivable land sold by the state to persons prior to the enforcement of this law without granting of title deed, shall be dealt with as follows:

1. if the person has paid all the price of the land and has possessed the land, he shall be granted the title deed for such land
2. If the person has paid all the price of the land but has not possessed the land, he shall be granted the title deed and the land shall be brought under his possession.

If only a part of the price for the land is paid, the title deed for the part of the land proportionate in value to the amount paid by him taking into consideration the agreed purchase price, shall be granted to the person.

In no case shall the sale of land to a person as provided for in sections 1 and 2 of this article exceed the threshold set forth by the land reform law.

If the deposited money is more than the price of land sellable within the threshold, that part of the money[more than the required amount for the authorized land] shall be returned and the surplus land shall be a property of the state.

## **Chapter five Registration of land**

Article ninety:

Property shall be recorded in the Log books when the processes for verification have been completed and the verification committee has agreed to register it.

Article ninety one:

Lands shall be registered upon verification in the relevant Ledgers as follows:

1. If all parcels owned by a person are located in one zone, the branches responsible for the log book in the zone shall be responsible to register such land.
2. if the parcels of the cultivation land of a person shall be located in more than one zone, the branches responsible for the log book of the zone where the verification process has been carried out shall be responsible to register the qualitative and quantitative specifications of the parcels, and record the locations for each one of those parcels in the relevant books and shall officially inform in writing the zones where the other parcels of the lands owned by the person are located. The zones which receive such information shall register the relevant parcels in the data entry

books and shall convey assurance by sending the registration number in the data entry book to the zone which had sent the notice.

Article ninety two:

All documents [related to] collateral, supervision [lien?], security, and other obligations related to each parcel of land shall be registered together with all of its specifications in the relevant ledgers.

Article ninety three:

The following measures shall be taken upon registration of documents in the log books:

1. The ownership documents shall be taken from the owner together with the declaration and shall be kept in the Central Archives for Property to safeguard the property records.
2. A uniform title deed shall be granted to the owner. The A3 form shall be prepared by the Amlak branch of the relevant zone and shall be sent to the court in order to complete the ownership document, and to be recorded in the Secure Registry. The deed shall be granted within two months to the owner for 100 Afs and the previous documents shall be invalid from the issuance date of the new document.

## **Chapter six Sanctions**

Article ninety four:

A person who intentionally refuses to fill the declaration form shall pay a fine of 500 Afs per Jereeb of cultivation area as recorded in the Log book for the first year and twice the amount of the previous year for any subsequent years until he completes filling the declaration.

Article ninety five:

A person who hides facts or provides false information concerning the owner, partners or heirs or documents in the preparation, certification or application of declaration for the purpose of wasting the rights of the state or other persons, or commits deception or fraud, shall in addition to compensating the damages be punished in accordance with law.

Article ninety six:

If an owner or payer intentionally does not declare part or all of his area of Excess Jereeb, he shall be deprived from the rights to use Excess Jereeb as provided for by this law, and shall pay an amount of 1500 Afs annually for each Jereeb of land till the time of correcting that.

Article ninety seven:

A violator from the provisions of article 29 of this law shall in addition to compensation of damages, be fined 1000 Afs.

Article ninety eight:

1. If a person sells his land after 15, 05, 1354 on the basis of customary documents and demonstrates the date of the sales document to be prior to such date, the price of the land shall be collected from him and deposited to the Revenue Account of the State and he shall be sentenced to the maximum punishment for forgery and fraud.
2. the above section shall also be applied on the purchaser and the land shall be regarded to be the property of the state

Article ninety nine:

If a person falsely completes the A4 form and the land is sold on the basis of such information, he shall be punished as follows:

1. If the person has sold the Excess Jereeb of his cultivation land, the Excess Jereeb of land shall be removed from the land which is his merit for cultivation and he shall be fined annually an amount of 1500 Afs for each Jereeb of such land.
2. If a person sells land which is surplus to his eligibility, an amount of land equivalent to the sold land shall be deducted from the land which is his merit for cultivation without payment of compensation and be transferred to the state.
3. If a person has sold his land including the Excess Jereeb and the land surplus to his eligibility, he shall be fined to an amount equivalent to the value of the surplus land and one and a half times the value of the Excess Jereeb.

## **Chapter seven: Miscellaneous provisions**

### Article 100:

1. if the verification committee faces an inherited property not divided among the heirs, the heirs may upon completion of verification and determination of Excess Jereeb, divide the area of cultivation which is decided to be their legal right within three months. Otherwise, the land shall be dealt with as a cultivation area at the time of land reform program. The land divided among heirs shall be subject to tax, in accordance with law.
2. transfer of ownership and gifting the land of a person to persons with no or less land or to members of family including sons and daughters who have reached the legal age of maturity shall be authorized up to ten Jereeb of grade one or an equivalent thereof. The land shall first be made available to the administration for land reform to process the transfer or gifting of the property to the person in question.

### Article one hundred and one:

The irrigation water rights for the Excess Jereeb of an area of cultivation shall be proportionate to the irrigation water rights of all the cultivation area of a person.

If irrigation water rights are not mentioned in the document, the verification committee and four elders shall decide about the distribution of water rights in accordance with the practices of the location.

### Article one hundred and two:

The settlement of issues related to irrigation water rights shall take place in accordance with the ownership documents or the customs of the location. If there is any dispute, the disputes related to water rights shall be resolved by the arbitration committee or four elders or the relevant court.

### Article one hundred and three:

If there is a dispute among persons concerning the boundaries, rights or ownership of land, and they can present legal documents of ownership, the verification committee shall first distinguish the rights of state and people on the basis of the legal documents and then they can resolve their interpersonal disputes through the relevant courts.

### Article one hundred and four:

The appointment of the evaluation team shall take place on the proposal of the administration for Land Reform and the approval of the Minister of Finance.

### Article one hundred and five:

Upon the enforcement of this law, other regulations and laws which are in contradiction with the provisions of this law shall be null and void.

### Article one hundred and six:

This law shall be enforced upon publication in the official gazette.