

LAND SURVEY AND STATISTICS LAW

31 Jawa 1344

CHAPTER ONE: AIMS

ARTICLE 1:

In order to acquire land statistics of the country, to maintain land register, and to organize land tax affairs, the following measures are adopted according to this law:

a) Tax Declaration Forms as shown in the appendix of this Law shall be distributed to all landowners for the purpose of securing quick and approximate statistics of lands, maintaining temporary tax registers, and including in the tax list such lands as have no tax at the present. Tax assessment differences shall be recorded in the temporary registers.

b) The Cadastral Survey Organisation shall take appropriate steps to secure real statistics through technical land registers.

Cadastral Survey Organisation is defined in Chapter Three of this Law and its organization hereafter is also mentioned in the same Chapter.

c) The courts shall decide, according to law controversies concerned with determining the rights of the Government and an individual.

d) All documents that relate to establishing ownership of immovable property and the rights thereof shall be prepared by the Cadastral Survey Organisation according to the Law.

e) Land tax shall be assessed based on information as shown in the Tax Declaration Forms, the Cadastral Survey Organisation's records of titles, and the records of the Cadastral Property Settlement Bureau according to the provisions of the Law.

CHAPTER TWO: DECLARATIONS

ARTICLE 2:

In Afghanistan, all landowners shall provide all data or information to the concerned government departments on the real property, boundaries of title, records of water rights, and deeds of conveyance which will identify their ownership and be the basis of tax assessments.

ARTICLE 3:

All information inserted in Article (2) shall be shown in the declaration form in quadruplicate and be attested by witnesses and by the Chief of the village, and shall be returned within one month to the issuing office, and the Declaration Office will issue a receipt.

ARTICLE 4:

The declaration forms shall be printed and distributed free of charge.

ARTICLE 5:

The declaration forms of persons indicated hereunder shall be accomplished in the following manner:

- a) For minors, by their guardians or executors;
- b) For mentally incapacitated persons, such as insane persons or lunatics, by their guardians;
- c) For physically incapacitated persons or invalids who have complete possession of will power and who are not mentally incapacitated, by themselves but attested by two of their relatives;
- d) For a prisoner, by himself with his signature or seal attested to by the warden of the prison;
- e) For absentee landowner, in case he has no bona fide proxy, by two of his relatives. The absentee landowner reserves the right to make amendments or to interpose objections to the information thus furnished upon his return;
- f) Communal property under co-ownership by two or more owners, when present, by all of them. In case some of the co-owners are absent, by the co-owners who are present. The absentee co-owners reserve the right to make amendments or to interpose objections to the information thus furnished on their behalf by those present;
- g) For real property in possession of institutes, corporations, etc., by its manager or authorized representative;
- h) For Mampofa land (reserved land) under the control of private institutions either for charitable or educational purposes, by the custodian. For public reserved land, by the local authority concerned and attested to by four disinterested prominent local witnesses.

Remark: In case of illiteracy, the declaration form will be endorsed by another person but will be sealed or thumbprinted by the owner, and two persons shall attest to the authenticity of the seal or thumbprint.

ARTICLE 6: When any person evades or refuses to receive and fill out the declaration form or the sketch and survey record card within the period specified by law without any justifiable or reasonable cause, the information required therein shall be furnished by the local authority or by the adjacent landowners. The owner has the right to object to the endorsed declaration form only on the plea that he has not evaded the filling of the declaration forms.

ARTICLE 7: The tax offices, after filling and completing the declaration forms, will register in a temporary ledger all the information as to area in jaribs and excess taxes.

ARTICLE 8: Those who, with intent to prejudice the rights of another person in the preparation or certification of the declaration form, conceal the truth or make false statements relative to landowners, co-owners, or heirs, or submit forged or false documents, or are guilty of collusion, shall be subject to the penalty of law.

CHAPTER THREE: LAND SURVEY

ARTICLE 9: An organization to be known as the "Cadastral Survey of Afghanistan" and which shall be referred to hereafter as the "Cadastral Survey Department" shall be organized in the Ministry of Finance of the Royal Government of Afghanistan.

ARTICLE 10: Functions and goals of the Cadastral Survey Department:

- a) To execute an appropriate Cadastral Survey for Afghanistan, i.e., to make necessary investigations as to the identification of the land and the identity of the owner and the rights he is entitled to.
- b) To prepare a land statistical register which shall indicate the location, area, classification, and use of each parcel or lot.
- c) To organize its survey offices or branches and its land statistics offices in each province whenever necessary.

ARTICLE 11: All survey data or information obtained by the Cadastral Survey Department shall be placed at the disposal of ministries or other departments of the Royal Government when so required.

ARTICLE 12: The Cadastral Survey Department shall perform its functions under the direction and supervision of the Ministry of Finance.

The Cadastral Survey president, as vested with powers pursuant to the provisions of law, is responsible for all activities, supervision of all employees and workers, budget, equipment, and expenditure control.

ARTICLE 13: The Cadastral Survey Department shall execute the survey of all usable land in Afghanistan whether it is of private or public ownership.

To carry out its survey mission, the assigned authorized personnel of the Cadastral Survey Department are authorized to enter land of private ownership, according to the provisions of law. If it happens that some dwelling houses are situated in some precinct of the land entered for survey, then the assigned persons are bound to abide by all the privacy restrictions respecting those houses.

ARTICLE 14: All municipal and government officials are bound to cooperate with the Cadastral Survey Department. All landowners or their legal representatives, adjacent landowners, tenants or cultivators, and chiefs of villages shall, during the execution of the survey, be present and furnish all information as may be required by the survey party.

If, after 15 days from the date of notice duly served to the landowner through or with assistance of local authorities, such landowners persist to be in default or refuse to appear on the land, then such parcel or lot shall be surveyed with the assistance of the tenants or cultivators thereof, the chief of the village, two adjacent owners, and two prominent persons of the district.

The Cadastral Survey Department shall ascertain and mark the lot boundary lines and determine the area of each parcel or lot. The boundary line shall be in accordance with the agreement and as printed out by the lot claimant and the abutting lot owners. If there appears any boundary dispute which cannot be settled by a survey commission, then the commission will show the survey boundary line to the persons concerned. Those who do not agree to the settlement of the boundary line will be advised to file a petition with the Land Registration Court for the adjudication of their claims.

Decision of the area of each parcel or lot definitely determined either without any controversy or with the decision of the Land Registration Court will cancel all previous documents and all statutory documents which have been founded on an approximately calculated basis. In the case of any legally registered documents pertaining to such approximate survey calculation, another legal document founded on an authentic survey basis will be substituted.

The Cadastral Survey Department shall set boundary marks or monuments in sufficient numbers to facilitate the relocation of property boundary lines. The re-establishment of corners and boundary lines shall be based on the official maps or on corner monuments found existing on the ground.

17: Cadastral maps indicating the boundary lines and their dimensions for each lot shall be prepared and every lot shall be identified by numerical system.

18: The Cadastral Survey Department shall prepare a list of cadastral lots as shown in the cadastral maps. It shall also prepare a list of lot claimants. A cadastral map duly authenticated by the president or his authorized representative shall be considered as an official plat. The list of lot claimants shall be furnished to the Settlement Commission.

19: Copies of official plats and of lists of claimants shall be made available to the Settlement Commission and the public. One copy of the official plat and list of claimants shall be posted and made available for the use and information of the public.

Whenever there is a local newspaper or periodical within the district of the cadastre, information as to the location of posting of official plat and of the list of lot claimants shall be published for at least three days.

20: The deputy for land statistics of the Cadastral Survey Department shall print the copy of the technical description of the lot in the Certificate of Title, mentioning therein the documents and the reasons or basis of ownership, and shall deliver the owner's duplicate copy of the Certificate of Title to the registered owner 90 days after the issuance of the decree of registration. No Certificate of Title shall be delivered to the lot claimant where there exist boundary or ownership disputes until adjudicative decision has been rendered by the Land Registration Court. The technical description shall be amended in conformity with the decree of the Court.

ARTICLE 21: The Land Statistics Deputy shall prepare a land registration system for the parcels surveyed. Landowners shall provide necessary information as to their rights of ownership of the land and their rights of water supply, its limitations, and modes of conveyance, to the Land Statistics Office.

ARTICLE 22: Whenever any person or any government official shall have a claim against another person or any government agency relating to boundary or right of ownership to any lot or parcel, such person or official may file a petition with the Land Registration Court for the adjudication of the claim.

ARTICLE 23: However, before presenting such claim to the Court, such person or official must first give notice to the appropriate section of the Land Statistics Office and provide information on the identity and location of the lot in dispute. The Land Statistics Office shall record the fact that such lot is subject to a disputed claim.

ARTICLE 24: After the completion of the survey, the Land Registration Court shall not accept any illegal claim with respect to the boundaries, rights or ownership to a lot shown on an official plat unless and until evidence is presented to show that the Land Statistics Office has been informed of the claim. In those areas where cadastral survey has not begun and no land statistics offices have yet been established, the Land Registration Court are exempted from the above mentioned obligation.

ARTICLE 25: Any claim by the Government disputing the ownership of a parcel of land by a private person or any claim by any person disputing the ownership by the Government of any lot must be filed with the Land Registration Court within one year after the date of approval of the official plat. The government claim must be filed by the Legal Department of the Ministry of Justice in due accordance with the laws of the said Department. All claims filed against the Government will be defended by said Department.

ARTICLE 26: All surveyed land which is not registered in the name of any owner, or owners, or inhabitants of a district shall be the property of the Royal Government of Afghanistan.

ARTICLE 27: Copies of the official plats and of all records of ownership rights, and documents specifying their limit and extent shall be filed by the concerned offices of the Land Survey Department in the Land Registration Court.

ARTICLE 28: When the Land Registration Court reaches a decision, the Land Statistics Office shall be advised in appropriate legal and technical terms of the nature of the decision.

If the claim involves ownership, the name of the owner or owners will be provided for the Land Statistics Office.

If the claim involves boundaries, the nature of the boundary change shall be described in sufficient detail to permit a resurvey or a change in technical description. If the claim involves any rights or limitation with respect to ownership or use of the land, a precise description of the rights or limitations of ownership as adjudicated by the Court shall be provided for the appropriate section of the Land Statistics Office.

ARTICLE 29: Whenever a court decision shall result in a change or alteration in the boundaries of a cadastral lot, the Cadastral Survey Department shall make such resurvey as may be required and shall amend the official plat accordingly.

ARTICLE 30: Whenever the Land Statistics Office is in receipt of a court decision, it shall make any changes as may be directed by the decision in its records and shall thereafter issue the proper Certificate of Title pursuant to the decree.

The decrees of the Court as annotated in the Certificate of Title shall be conclusive and incontestable evidence of ownership of land.

ARTICLE 31: Whenever the owner of a parcel of land which appears on an official map, and for which he holds a Certificate of Title, shall wish to sell, give, or otherwise convey the ownership of said parcel of land to another person, he shall notify the Land Statistics Office of the conveyance and, on identifying the new owner and the circumstances of the conveyance of the documents, the said office will register its ownership description. Prior to the preparation of conveyance documents by the Document Court, the Cadastral Survey Department is bound to provide the specifications of the land as to its area, boundary, etc., and the identity of the owner to the aforesaid court. The conveyance document will be considered as final when the conveyance descriptions with necessary adjustments has been invested to the new owner, but no such conveyance document shall be prepared by the concerned Land Statistics Office unless and until evidence shall be submitted showing that all taxes assessed against the lot have been paid.

ARTICLE 32: The possession of a legal certificate of ownership, legal settlement, or legal document or its equivalent shall be deemed as evidence of ownership for all legal purposes. Any charge against it shall not be filed unless supported by authenticated deeds or documents.

ARTICLE 33: The documents indicated in the above article and the approved official plat shall constitute final evidence as to boundaries of lots shown thereon provided that there is no record in the Land Statistics Office of a disputed claim having been filed in Court with reference to the boundaries of said parcels.

ARTICLE 34: Every year on 1st Saur or prior to that, the Land Statistics Offices will prepare a list of the owners of the lots shown in each official plat and send it to the Revenue Department of the Ministry of Finance.

ARTICLE 35: The Cadastral Survey Department shall establish a schedule of charges for services, such as surveys requested by landowners, additional copies of official documents, and other services.

CHAPTER FOUR: PROPERTY CLEARANCE PROCEDURE

ARTICLE 36: A committee to resolve land disputes between the Government and the landowner, as indicated in this law, shall be appointed when necessity arises.

The Property Clearance Department of the Ministry of Finance shall be the central administrative control of this committee. It is necessary to establish these committees in areas where cadastral survey has begun.

ARTICLE 37: The Mobile Committee for each municipality shall be designated with the approval of the Ministry of Finance, when necessity arises. The Committee shall be composed of:

- a) a member from the Ministry of Finance
- b) a member from the Disciplinary Agency
- c) a member from the Ministry of Justice.

The president of the Mobile Committee shall be appointed from among the members of the categories (a) and (b) upon the recommendation of the Ministry of Finance, and in conformity with the precepts of the law.

ARTICLE 38: In surveyed and under-survey regions, the Mobile Committee shall consider the Tax Declaration Form in its relation to the Certificate of Title, the plat, and its area to ascertain any excess landholdings. Any excess thus determined shall be recorded on the reverse side of the Tax Declaration Form.

ARTICLE 39: Any amendment or corrections as may be deemed necessary in matters of land taxes, rights of irrigation waters, area or classification of the land, and obligations for the operation and maintenance of dams and canals, shall be recorded by the Committee in the Tax Declaration Forms.

ARTICLE 40: The municipal revenue official shall prepare a tax list or tax register which must show the name of the landowner, the area of the parcel of land, and the tax assessed, which shall be based upon the findings duly attested by the Mobile Committee. A consolidated land tax assessment report from this tax register shall be submitted to the Mustofiat of the province through proper channels.

ARTICLE 41: The local land registration office shall, on its part, enter in its records all excess land thus determined by the Mobile Committee. All excess land shall constitute government property, and a report thereon shall be submitted to the Mustofiat of the province through proper channels.

ARTICLE 42: As to controversial claims on plots which appear on an official map prepared by the Cadastral Survey Department, which is, according to this law conclusive, they can only be admissible when their legal certificates of ownership are reliable and have an explanation from the Cadastral Survey Department on this account.

ARTICLE 43: Each of these ownership documents (instruments of title) shall be recognized by the Mobile Committee to settle claims between individuals and the Government:

- a) All Royal Decrees as to the sales on awards in favor of the landowner which prove private ownership.
- b) The orders issued from the Prime Ministry as to the sales of lands.
- c) All legal deeds of ownership.

- d) Common usage documents (affidavits).
- e. All documents which pertain to rights of irrigation waters, land tax receipts, tax list, etc.

The Committee sends the aforementioned documents of paragraphs (a) and (b) to the Document Court concerned, and after their validity is duly determined by the said Court the Committee will be in a position to accept them as documents.

The conditions of the legal deeds will be described in the following article:

The common usage documents (affidavits) will be credited on the following conditions:

- a) It must not be a statement of a government official.
- b) It must not be to the loss of a third person or the Government.
- c) The immovable property shown therein must not, according to the provisions of the law, be recorded as government property.
- d) There must not be any controversy as to the ownership of the claimant's property which has legally been filed in Court.
- e) Ten villagers or close neighbors where the property is situated must vouch for its validity.

For the verification of the above conditions and legal deeds, the Committee is bound to send the common usage document (affidavit) to its respective Documents Court, and after receiving the opinion of the said Court will take adequate steps in that respect. In case ownership of a certain plot in accordance with a common usage document (affidavit) should belong to a person, and in case of suspicion of hypocrisy or forgery, the Court is authorized to dispute the authenticity of the document and to refer the case to the Judicial Court for judgement. In every respect the verification of the common usage document (affidavit) is dependent on the General Laws pertaining to documents and land registration. The documents pertaining to rights of irrigation water, land tax receipts, and tax lists shall only be construed as evidence of tenancy possession when the register shall indicate the fact of continuous possession for at least 15 years to date. Tenancy and tax assessment, etc., shall not be considered as evidence of legal ownership of the land.

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ARTICLE 44:

All ownership documents of irrevocable sales and other documents of the same importance, whose authenticity is legally identified on the provisions of the Land Survey and Statistics Law in the Court, are subject to the following conditions:

- a) They must have a registered record in the legal Court;
- b) They should be considered as an authentic document against opponents;

- c) Any opponent must not have any invalidating legal document against them;
- d) If the document is legally an authentic document but its registered file cannot be found in the Court records, in such case if the document is affected in 1308 or on a later date it can be credited on the following conditions:
- 1) Its summary must be found in the quarterly reports of the legal documents which are usually preserved in the record files of the Ministry of Justice;
 - 2) At least three similar samples of documents in the handwriting of the same clerk and the seal impression of the same Justice who had effected the document in question for authenticity should be produced. The sample documents must have a reserved registered file in the legal Court.
 - 3) If the document in question is legally an authentic document, but its registered file cannot be found in the Court records, then in such case, if the document is effected before 1308 it can be credited on the following conditions:
 - (a) At least three similar samples of documents in the handwriting of the same clerk and the seal impression of the same Justice who has effected the document in question for authenticity should be produced.
 - (b) In case the property described in the document should be situated along Government property and its area should be more than 100 jeribs, then the decision of the Committee of Assessors must be confirmed by the Ministry of Finance.
 - (c) The claim, due to lapse of time, should not have become obsolete.
 - (d) The Committee of Assessors is bound to send all the documents respecting this article to the Document Court concerned for determining its authenticity.

ARTICLE 45: In case any document indicated in Article 43 should have any controversial points respecting any person or the Government, then according to the provisions of the law it can be referred to the Court concerned for redress.

ARTICLE 46: The unit of land area shall be the jerib which shall be equal to 1936 square meters.

When figures are shown in any other unit of measurement in ownership documents, these shall be converted into jeribs in accordance with evaluation based on local customary units after the approval of the Mobile Committee.

Whenever any document or instrument of title does not show any unit of measurement whatsoever, the boundary line also does not determine its dimensions, a prudent estimate shall be made:

First, the number of jeribs shall be estimated in proportion to the water rights for irrigation as registered in the Land Office. In this case, the duration and alternation of cultivation in accordance with the custom of a similar village or region shall be kept in view to arrive at a reasonable estimate.

Second, when the proportion of the land area in units of jeribs in relation to the use of irrigation water from a certain canal or underground artesian canal is unknown, a scientific calculation shall be made to determine the appropriate ratio.

Third, by calculating an appropriate area in relation to tax payments based on the land tax records of the Revenue Office by adopting the average tax per unit of land for adjacent villages which have a fixed unit of land measurement.

Whenever the documents and muniments of titles executed prior to the publication of this law show the area and boundaries of the land in units of jeribs, and the boundary occupies an area in excess of the jeribs indicated in the ownership document, and such parcel adjoins public lands, the area thereof shall be determined in accordance with the boundary description to the extent that whenever the parcel is an irrigated land, two times the area, and when irrigated by rainwater, three times the area as indicated in the documents may be allowed and any area in excess thereof shall be considered as excess land.

CHAPTER FIVE: EXCESS PROPERTY

- ARTICLE 47: All excess land will be determined after the property undergoes survey and the area possessed over and above the allowable land for private ownership in the document, after being considered by the Committee of Assessors, will be declared as excess land.
- ARTICLE 48: Whenever any excess land is proven to be legitimate property of the claimant, provided no public land is included therein, such excess land shall be deemed as an original property of the claimant and it shall be registered in his name effective from 1939 on. Taxes shall be assessed therefor in accordance with the schedule of land taxes.
- ARTICLE 49: If excess land is part of the improved or under-improvement public properties which are awarded to persons in accordance with decrees, orders, legal documents, etc., such as provincial legal documents specifying area, or part of property to which public land has been annexed, or as a result of the action of the Committee of Assessors, or as a result of a survey an excess area shall be revealed, the matter shall be settled in the manner hereunder specified:
- a) Whenever the excess is part of the municipal property, or other construction and agricultural projects, the excess shall be restored to the public domain.

- b) Whenever the land is not of such category as (a), and the declarer's possession dates from 1914 or earlier, such person may retain the land by paying the tax from 1914 in five yearly installments. In case the person is unable to pay the tax in cash, he can give land in return.
- c) Whenever excess land shall be taken into the possession of any person after 1914, in quantities in excess of 50 jeribs for canal irrigated, continuously cultivated land, or 100 jeribs for canal irrigated alternately cultivated land, and/or 150 jeribs for non-canal irrigated agricultural land, such excess of the above-mentioned lands shall be restored to the public domain. The excess area may be ascertained in accordance with paragraph (d) of this article.
- d) If the excess area is equivalent to or less than the figures mentioned in paragraph (c) above, and the property is not of the category of land in paragraph (a), the excess area may be sold to the possessor at the current market value with a decrease in price at two per cent for every year of the period of possession. Land tax and the purchase price shall be assessed from the purchaser and shall be payable in five annual installments. In case the purchaser is unable to pay the price in cash, he can give the land in return.

The period of possession mentioned in the foregoing paragraphs (b, c, and d) of this Article shall be proved by documents of original ownership.

ARTICLE 50: Crops on excess land which shall be restored to the public domain shall be owned by the occupier.

ARTICLE 51: The separation of excess land from privately owned land shall, where possible, be made in regular plots from that portion where there exists no garden, structure, or houses of the occupant.

The owner may determine from which of his land the excess shall be taken.

Whenever the adjacent land belongs to the Government or the public domain, the excess shall be cut off on the side where these properties are situated provided, however, that no gardens, structures, or houses belong to the occupant are located thereon; otherwise, the excess land shall be segregated in accordance with the above articles; Whenever any occupant agrees to the segregation of excess land which contains gardens, woods, structures, etc., or the location of watermills, the owner thereof shall not cut trees therefrom or demolish any structures nor demand compensation.

Whenever the excess land has been improved or planted in trees or forest by the person himself, such land shall be sold to him at its value not to include value of the improvements than current (i.e., the cost of trees, plantations, structures, etc., being excluded); if acquired as a garden from the Government, any excess land shall be sold at market price to the occupant. Taxes shall be assessed therefor from the date of procurement.

- ARTICLE 52: Whenever the Committee of Assessors comes across any inherited property which has not been apportioned yet, the matter will be directed to the Court for legal apportionment, and then the Committee will deal with each of the heirs separately.
- ARTICLE 53: Whenever the Committee of Assessors is occupied in an area which has not been surveyed or platted by the Land Survey Department, and temporarily determines the excess and the tax of a private ownership, this act of the Committee of Assessors will in no way be accounted as a document or indication of ownership or any other rights thereof when the property undergoes a survey.

CHAPTER VII: GOVERNMENT PROPERTY

- ARTICLE 54: Except for lands held privately in the legal possession of their respective owners, all other properties which come under the name of government lands are classified as the following:
- a) The lands, gardens, lawns, and forests (natural or developed), ground-water canals (~~canals~~), etc., possessed or developed by the Government and registered in the series of its land properties.
 - b) Unirrigable ponded wastes, rainwater irrigated tablelands (Lalmi Crop Areas), and ruined ~~canals~~ (underground water canals), etc., which are neither in the possession of persons nor re-registered in the government's property records, or ruined ~~canals~~ lands which have been left in ruined condition without water and on which for 20 years taxes have not been paid by the owners.
 - c) Muqofa lands (the lands given by the Government or persons for some special or charitable purposes). This will be dealt with in accordance with special Manual for Auqaaf (specialized properties).

The above three categories of government land shall be managed by the agencies concerned in accordance with procedures of law.

- d) The lands which have been awarded to public and charitable societies, e.g., the Municipality, Sra Khasht (Red Crescent), Margatgon (poorhouse), etc., though managed by the recipients shall not be conveyed nor transferred to others without the permission of the Royal Government of Afghanistan.
- ARTICLE 55: Lands held 20 years by the occupant, continuously, without rights of ownership, pursuant to the Regulation of Cultivating wastelands, shall be awarded to the possessor after providing an affidavit under the following conditions:
- a) Ownership shall be proved by the testimony of 10 prominent persons of the village and the village chief where the

land is situated, stating the fact that possession by the occupant had been for at least 20 years.

- b) These witnesses shall further declare that the claimant has no other land or garden in excess of 50 jeribe inclusive of this land.
- c) These witnesses shall further declare that the land has been under irrigation and cultivation for at least 20 years and contains improvements such as trees and canals, and that it is not an Aujaf under any project, unirrigable waste or table land, or registered public property.
- d) Claimant agrees to restore to the Government such land whenever the claim shall be proved to be false.

These affidavits shall have force and effect for, at the most, 50 jeribs of canal-irrigated and continuously cultivated lands; 100 jeribs for canal-irrigated, alternately cultivated lands; and, in case of dry crops, up to 150 jeribs only.

Whenever any portion of the land shall be permanently irrigated and partly suitable for dry farming, the allotment shall be made on the basis of three jeribs of dry farming land for every one jerib of irrigated land. The allotment shall be in accordance with the foregoing formula. If the claimant intends to have more than the maximum land as prescribed above, he can purchase it according to the provisions of the law.

ARTICLE 56: The sale of government land shall be in accordance with the following procedures:

- a) All lands to be sold under the terms and conditions for the Magal (nomadic tribes) shall be made pursuant to the provisions of the Manual for Nomadic Tribes.
- b) Waste and underdeveloped land made available for agricultural purposes shall be appraised by a commission which shall be appointed by the Governor of the province where the land is situated. The appraisal shall be made in the following manner:

The average value of the adjacent cultivated land shall be taken as a basic value which must be divided by four; the quotient shall be the appraised value of the undeveloped land. This price shall be payable in five annual installments after the land shall have been put under cultivation. Legal documents (Jahalah) shall be issued to the purchaser upon full payment of the price.

- c) If the land is to be sold to one or more persons, its value shall be appraised on the highest sale price within the last two years on adjacent property in the same locality.
- d) If the land is to be sold in accordance with the prescribed regulations to any person at fixed prices or on the basis of a definite plan or project, the specified price shall prevail.

- e) lands other than those above described shall be advertised and sold to the highest bidder.

ARTICLE 57: Any person who desires to reclaim wastelands under contract, or otherwise, shall do so under the following conditions:

- a) The reclamation possibilities of the land must be recommended by a technical board.
- b) The reclamation of such land shall not infringe upon public or private water rights.

(Translator's Note: Paragraph(c) has been omitted).

- d) The applicant shall declare in the information sheet that he owns no other land and has the capacity to perform the reclamation personally.
- e) The reclamation period shall be specified in the contract. Any delay shall be penalized by 10 per cent increase in the annual installment price and this default shall not exceed five years. Appraisal shall be in accordance with paragraph (b), Article 56 of this law.

ARTICLE 58: Any person who has been awarded any contract, order, or permit of reclamation from the Government shall comply in accordance with the terms and conditions thereof.

ARTICLE 59: Any person who has reclaimed or improved any wasteland without any previous contract or permit from the Government, or when the area has not been specified in any award, may purchase not more than 50 jeribs at a price appraised in accordance with paragraph (b), Article 56.

ARTICLE 60: Lands classified as waste or unreclaimed which have been awarded to any person under tenancy contract in the past shall be disposed of pursuant to Article 59.

Lands which have been improved or reclaimed and registered in the name of any persons, or their representatives, for a period of 10 years of continuous possession, and on condition that they possess no other land, shall be sold to such possessors at an appraised value based on the current market price with a discount of two per cent for each year of possession. The purchase price shall be paid in cash and a ubalah (deed) shall be issued accordingly. The allowable discount shall not exceed 60 per cent of the appraised value of the land.

Any excess land exceeding 50 jeribs shall remain as the property of the Government. Hereafter, no government land shall be disposed of under lease contract.

ARTICLE 61: Lands disposed of by the Government for which no deed (ubalah) has been awarded shall be treated in the following manner:

- a) When the conditions of the sale have been complied with, the price fully paid, and the purchaser has taken possession thereof, a ubalah shall be issued.

- b) To any person who has received permission in the past for the purchase of arable, reclaimed land from the Government for a definite area, but has not occupied nor taken possession thereof and has deposited the specified price* prior to the enactment of this law, a deed shall be awarded for an area in proportion to the price deposited. The area shall be determined in accordance with the unit price of land as prevailing on the date of deposit.
- c) To any person who, prior to the enactment of this law, has been awarded a sale contract for a specified area of land by government authority, and has deposited part of the price equivalent to the value of 50 jeribs, a deed shall be issued for the area paid for; provided, however, that when the amount deposited by the purchaser is more than the value of 50 jeribs, such excess money shall be refunded to the depositor. Whenever the deposit made is for less than the value of 50 jeribs of land, the amount due and payable shall be appraised at the current market value, and upon payment thereof a deed shall be issued to the purchaser.

ARTICLE 62: Any land which has been allocated to emigrants (nomads), banished persons, or settlers pursuant to the provisions of applicable statutes shall not be conveyed, sold, nor transferred to another by the occupants thereof before the expiration of 20 years from the date of such allocation.

CHAPTER SEVEN: PASTURE LANDS (GRAZING FIELDS)

ARTICLE 63: Lands situated on hills or in valleys or deserts, etc., which have been grazing fields in the past will remain as pasture lands. Provincial Governors shall direct the delimitation and survey of pasture land within their respective jurisdictions after which survey returns shall be forwarded to the provincial land offices and a copy thereof will be forwarded to the Ministry of Finance. Provincial Governors are enjoined to administer and to supervise pasture lands.

ARTICLE 64: The conversion of pasture land for agricultural purposes is prohibited under penalty of law. Likewise, it shall be unlawful to denude forest land, to cultivate the national border line, or to conduct any agricultural enterprise prejudicial to public interest under penalty of law. Converted areas shall be forfeited to the State.

ARTICLE 65: Pasture lands are open to the public, provided, however, that pasture land allocations from governmental agencies heretofore granted shall be recognized and respected. No pasture land shall pass into private ownership. Grazing rights (licenses) are not transferrable by the licensees. Pasture land shall not be utilized other than for grazing purposes.

*Translator's Note: The text of the printed law states "has deposited the specified price" and goes on to say "a deed shall be awarded for an area in proportion to the price deposited", which is contradictory. I think "deposited a part of the specified price" according to original wording, appears to be more correct.

ARTICLE 66: All disputes arising on grazing rights shall be decided by the legal courts according to the provisions of the law.

ARTICLE 67: Government departments are not authorized to permit the tillage of pasture land for revenue purposes or to convert the same into agricultural land.

CHAPTER EIGHT: GENERAL PROVISIONS

ARTICLE 68: The former Statistical Land Registration and Determination of Excess Property Law of 1339 is hereby repealed from the date of the enactment of this law.

ARTICLE 69: The provisions of this law will be binding after one month of its publication in the Official Gazette.

ARTICLE 70: All land problems will be settled by the Committee of Assessors in adherence with this law.

AMENDED: 18 Mizan 1346