

**Decree on Amendment of Certain Articles of the Land Expropriation Law - Official Gazette No. 849, published 2005/04/20 (1384/01/31 A.P.)**

**PRESIDENTIAL DECREE OF THE ISLAMIC REPUBLIC OF AFGHANISTAN CONCERNING MODIFICATION OF A SERIES OF ARTICLES OF THE LAND EXPROPRIATION LAW PUBLISHED IN THE OFFICIAL GAZETTE # (794), 1421 L.H.**

NO: (7)

Date: 14/01/1384 (03/04/2005)

**Article 1:**

Sections (1&3) of article (3) and articles (12, 13, 16, 17, 20 and 22) shall be amended as follow:

**1-** Under section (1) of article 3 the expression ‘railway’ shall be added after the expression ‘highways’, and the text (and schools, implementation of urban plans) shall be added after the expression (seminaries or religious schools), and under section (3) of article 3 the expression (and legal) shall be added following the expression (canonical).

**2- Article 12:** Constructional materials, residential quarters and other buildings shall belong free of charge to the owner after payment of the costs thereof. Under such circumstance the process of demolishing the building shall be undertaken by the owner. In case of refusal or negligence on the part of the owner to voluntarily demolish, forced demolition shall take place by the municipality assisted by the security organs.

Residential quarters and other buildings which have not been demolished following the enforcement of the land expropriation law despite their lands being expropriated shall also be subjected to the provision of the present article.

**3- Article 13:** In accordance with the following criteria residential land plots shall be distributed to individuals whose lands or houses have been expropriated against a fixed project price:

- (One) land plot, where the person possesses up to 600 m<sup>2</sup> landed property;
- (Two) land plots, where the person possesses 600 to 1200 m<sup>2</sup> landed property;
- (Three) land plots, where the person possesses more than 1200 and up to 2000 m<sup>2</sup> landed property;
- (Four) land plots, where the person possesses more than 2000 and up to 5000 m<sup>2</sup> landed property;
- (Five) land plots, where the person possesses more than 5000 and up to 10000 m<sup>2</sup> landed property;
- (Six) land plots, where the person possesses more than 10000 and up to 20000 m<sup>2</sup> landed property; and
- Where a person possesses a landed property above 20000 m<sup>2</sup>, he shall be granted (one) land plot in lieu of each additional 20000 m<sup>2</sup> landed property.

**4- Article 16:** Where the State-owned lands being used by State and mixed departments are possessed by the municipality, local chief or other departments, in that case only constructional materials shall belong to the former possessors, and shall not be paid the land and building prices.

**5- Article 17:**

(1)The State lands (inter alia, free urban lands) under individual possession shall belong free of charge to the municipality when needed for public needs at the time of implementation of urban projects plan.

(2) Where the land is distributed to State departments the Municipality shall only collect the following services charges from the relevant department or institution:

- 1- Planning and reclamation costs of the land under construction;
- 2- Concreting, asphaltting and plantation costs, including construction costs of basic passageways and ditches.
- 3- Landscaping costs of the area under construction as well as construction costs of basic and secondary recreation grounds.
- 4- Water, drainage (canalization) and electricity charges.
- 5- Other urban development related charges.

#### **6- Article 20:**

(1) The owner or user of the land subject to expropriation, or their legal representative shall be notified three months in advance concerning land expropriation and the price thereof. Absence of the owner or the user of the land or their legal representative in the meeting of the commission assigning value to the property subject to expropriation despite being notified in advance shall not impede the work of the commission and plan implementation.

(2) Where the person concerned or his legal representative did not appear in accordance with paragraph (1) of the present article to complete the expropriation process the property shall be valued in his absence and the price thereof shall be deposited with the bank in the interest trust account and the plan shall be implemented.

#### **7- Article 22:**

(1) The expropriating department shall be obligated to collect from the owner the legal and lawful documents of the expropriated property.

(2) The owner shall be obligated to hand over lawful and legal documents related to the expropriated property to the expropriating department.

(3) Where a portion of the property recorded on the lawful and legal document is intended to be expropriated the area of the expropriated property shall be deducted from the original deed (*qabala*) shall be recorded on the original deed and kunda of the relevant book and the title deed shall be retained by the owner.

(4) Any claim whatsoever on the part of the owner after receiving and possessing the substituted property shall be void.

(5) Regulation for better implementation of the present law can be adopted.

## **Article 2:**

The present decree shall be enforced from the very date of its approval and shall be published in the official gazette