

LAND REFORM

LAW

15 Aaad 1354

## CHAPTER ONE

The following terms used in this law shall have the following meanings:

1. **Farmer:** Farmer is the person whose actual occupation is agriculture, and having one or more agricultural production, means either personally or with the cooperation of the members of his family, directly cultivates some agricultural land which he does not own. The yield from the land is shared by him and the proprietor of the land in accordance with previous legal agreement.
2. **Agricultural labourer:** Agricultural labourer is the person who is not the proprietor of the land, he toils on the soil or has other specific duties on the land of the landlord in accordance with a previous legal agreement or local tradition against cash wage or in kind.
3. **Proprietor:** Proprietor is the person who, in accordance with authentic legal documents is in possession of his property.
4. **Distributable land:** Distributable land for purposes of land reforms consist of:
  - a. State Land.
  - b. State land acquisitioned illegally by individuals.
  - c. Land acquisitioned in accordance with the provisions of this law.
5. **Land:** Land is the area which is under existing agricultural exploitation.
6. **Land Holding:** land holding is one or more plots of land which are recognized as private property in accordance with legal authenticated documents.
7. **Chief of Family:** Chief of family is the person who is responsible for providing livelihood for members of his family.
8. **Family:** Chief of family, his wife and unmarried children who are under direct wardenship of the chief of the family, are considered as one person for the purpose of this law.
9. **Collective Farm:** Collective Farm is the land distributed to deserving persons in a specific agricultural unit on collective basis.
10. **Council:** The supreme land reforms council.
11. **Office:** The land reforms administration within the framework of the Finance Ministry.
12. **Cooperative:** Agricultural cooperatives.

CHAPTER TWO: AGRICULTURAL LAND HOLDING CEILING

- ARTICLE 2:
1. No one is permitted to have land holding beyond the following ceilings:
    - a. Two crops, irrigated land holding of one hundred jeribs (20 hectares).
    - b. Orchards holding of one hundred jeribs (20 hectares).
    - c. One crop, irrigated land holding of 150 jeribs (30 hectares).
    - d. Dry-farming land holding of 200 jeribs (40 hectares).
  2. If the land-holding of a person consists of two or more varieties of land holdings as mentioned in the above article, the ceiling for private proprietorship of the person shall be regulated in accordance with separate statutes.

- ARTICLE 3:
1. Companies and private agricultural societies can, in accordance with the agreement of the Council, have holding beyond the ceiling referred to in Article (2) of this law on the condition that the surplus is arid land and they make it cultivable.

The above mentioned owners will be dealt with, in accordance with Article (10) of this law, after passage of fifteen years.

2. An individual can own land more than the ceiling set under Article (2) of this law through inheritance. The individual is obliged to transfer the surplus land to somebody else within one year or else the surplus land will be acquisitioned by the state.

ARTICLE 4: The surplus land beyond the ceiling set by Article (2) of this law shall be expropriated in accordance with the previously written notification. The proprietor can utilize the yield until the end of the season.

ARTICLE 5: The price of trees, buildings and other paraphernalia belonging to the land expropriated in accordance with this law shall be paid to the owner after the deduction of consumption cost pursuant to specific regulations.

ARTICLE 6: After the enforcement of this law, the state shall incessantly resort to acquisition of the surplus land in accordance with Article (2) of this law. Acquisition shall start from largest agricultural holdings.

ARTICLE 7: From the date of the enforcement of this law, the surplus land not covered by proprietorship documents shall be considered as state property.

ARTICLE 8: Should execution of state development projects require, the Council can exchange the land holding under the land reforms bill with another land having the same area.

ARTICLE 9: In case the acquisitioned land and equipment belonging to it are under security from compensation money under Article (10) of this law, first dues of the person/persons shall be paid. The remaining money shall be paid to the owner of the land.

ARTICLE 10: Acquisitioning of land by the government for purpose of land reforms shall take place in accordance with compensation. The price of the acquisitioned land shall be regulated by the regulations of the price payment.

The government shall pay for the acquisitioned land in 25 years in accordance with the acquisitioned document along with 2 per cent interest.

#### CHAPTER THREE:

ARTICLE 11: The lands distributable in accordance with the provisions of this law, shall be distributed in accordance with separate regulations and with due consideration to the conditions of the area, variety of land, livelihood of the family and employment of its members and other criteria:

ARTICLE 12: The person eligible for land distribution shall have following qualifications:

1. Shall be an Afghan national and should have reached legal age.
2. Shall be landless.

ARTICLE 13: The following persons have priority in land distribution:

1. The farmer, who prior to the promulgation of this law has been toiling in agricultural work on distributable land.
2. Landless nomads.
3. Farmers and land labourers.
4. Graduates of agricultural and husbandry schools.

ARTICLE 14: Distribution of land shall be executed in different parts of the country in accordance with the prepared plan.

ARTICLE 15: Distribution of land shall continue incessantly from the time of its acquisition.

ARTICLE 16: Pending the payment of all instalments of their dues incurred from the receipt of land, the new owners will be given temporary ownership documents by the state.

ARTICLE 17: The Council can temporarily stop, when need be, the acquisition of land.

ARTICLE 18: The person who receives distributable land is required to fulfill the following obligations:

1. The person shall take possession of his land within four months from the date of distribution advertisement. Otherwise, without the existence of reasonable excuse, his right shall be forfeited and his land shall be given to others who meet the conditions of distribution in accordance with this law.
2. The chief of the family and members of his family are dutybound to directly exploit the land; otherwise the land shall be acquired from him and distributed to other deserving persons.
3. Land holding given to persons as a unit of production must continue to contain its entity and they are obliged to keep it as such without dividing it into units.
4. The person who receives land cannot have an official job, otherwise the land will be taken from him.

- ARTICLE 19:
1. Should the chief of the family die, his descendants are required to preserve the unity of the landholding, without dividing it into units, and should distribute the yield among themselves.
  2. If the descendants cannot exploit the land, they may, with due respect to the provisions of this law sell it to another person in accordance with regulations. In this case the payment of the remaining instalments shall be on the new buyer.

ARTICLE 20: When the chief of the family dies, his descendants are obliged to inform the concerned land reforms office about it. In case none of the descendants is found eligible, the office is duty-bound to take necessary measures, within the bounds of the laws and regulations for continuation of the exploitation of the descendants' land.

ARTICLE 21: Persons who receive land in accordance with the provisions of this law can form cooperative societies.

ARTICLE 22: The proprietor who has received land in accordance with the provisions of this law is entitled to pay three per cent interest annually towards administrative cost on total of instalments due for payment in addition to payment of normal installment.

#### CHAPTER FOUR:

ARTICLE 23: To prepare a general programme, compile necessary regulations and statutes and supervise application of responsibilities envisaged in this law, and to implement the objectives of the land reforms, a council shall be established under the chairmanship of the Prime Minister whose members are comprised of:

1. Deputy Prime Ministers.
2. Justice Minister.
3. Finance Minister.
4. Planning Minister.
5. Agriculture Minister

ARTICLE 24: The Council Meets at least once a month.

ARTICLE 25: The duties of the Council consist of:

1. Devising and pinpointing the guidelines and policy of the implementation of the land reforms in accordance with the provisions of this law.
2. Proposing regulations, statutes and by-laws related to land reforms within the provisions of this law to the cabinet.
3. Approving and fixing the price of the acquisitioned land and the price of distributable land.
4. Deciding on general issues including financial matters related to the office.

ARTICLE 26: The proposal for the establishment of the Office (Reforms Office within the framework of the Finance Ministry) shall be made by the Council and approved by the cabinet.

The duties of the Office are:

1. Implementation of acquisition of lands in accordance with the provisions of this law.
2. Distribution of lands in accordance with the provisions of this law.
3. Maintaining liaison with concerned authorities for the implementation of the provisions of this law.
4. Drafting regulations and statutes and proposing them to the Council.
5. Preparing the annual budget and getting the endorsement of the concerned higher authorities in accordance with the Budget and Accounting Law.
6. Executing the instructions and orders of the Council.
7. Fixing the prices of moveable and immovable agricultural establishments and equipment and proposing the same to the Council.
8. Finding exceptional cases and bringing them to the attention of the Council.
9. Fixing and clearing the surplus state lands acquisitioned illegally.
10. Presenting the report on the acquisitioned and distributed lands to the Council.
11. Other obligations, duties and authorities which the Council entrusts to it.

- ARTICLE 27: To alleviate differences emanating from application of land reforms, the state shall establish a Special High Court on land reforms.
- ARTICLE 28: Decision made by this court is final and irrevocable. The court also has the authority to issue its decision, dismiss cases or give clearance.
- ARTICLE 29: If during the handling of a case, the lower specialized courts overlook the consideration of authentic documents on which the decision should have been based, or if the decision of the specialized court is repugnant with the law or to utter loss to the person or the state, the case shall be handled by the Special High Court.
- ARTICLE 30: To settle property claims emanating from clearance or acquisitions the state shall establish permanent or mobile specialized courts.
- ARTICLE 31: The specialized courts shall attend to solving disputes originating from land acquisition. No claim or complaint shall be entertained thirty days after official decision on land acquisition has been pronounced.

No court has the right to interfere in disputes arising from land relationship. Such disputes are referred to by the Office to the specialized land reforms court.

#### CHAPTER FIVE:

- ARTICLE 32: Agricultural cooperatives shall be formed in accordance with the Cooperatives Law which was promulgated under Decree No. 861, dated 9 Aqrab, 1353

#### CHAPTER SIX: FINANCIAL AFFAIRS

- ARTICLE 33: Allocations and credits needed for the implementation of this law and allotments required by the Office for land reforms operation shall be made as part of the general budget of the country and shall be put at the disposal of the Office.
- ARTICLE 34: Documents on ownership of distributed lands shall be deposited with the Agriculture Development Bank of Afghanistan. The Bank, on behalf of the state, is duty-bound to collect the annual installments due for payment by individuals from the price of the land.

From the funds thus collected, and when it is not adequate, with the financial assistance of the state the volume for which shall be estimated and included in the general budget of the country, the yearly installments to the previous owners shall be paid.

ARTICLE 35: The Agriculture Development Bank is duty-bound to study the credit needs of the deserving persons who may receive lands in areas where, in accordance with the provisions of this law, land distribution is undertaken, prior to distribution, and to devise special, effective and a possible programme for each area and to carry it out after getting the endorsement of the Council.

CHAPTER SEVEN: MISCELLANEOUS PROVISIONS

ARTICLE 36: The acquisition of the surplus ceiling land shall be undertaken when a prior official notification is issued by the Council in the area under consideration. Pending the acquisition of the surplus ceiling land referred to in Article (2), the proprietors shall continue to exploit it.

ARTICLE 37: A person who receives land cannot transfer its proprietorship or mortgage it until he pays all the installments of the price of land and fulfills all other obligations thereof.

ARTICLE 38: Sale and purchase of land shall take place in accordance with the regulations devised by the Council.

ARTICLE 39: When a person who has received land does not pay three annual installments consecutively without reasonable excuse and ignores official notifications in regard to payment of installments thereof, the land shall be requisitioned by the state and shall be given to another person in accordance with the provisions of this law.

ARTICLE 40: All administrative procedures related to transfer of lands under the provisions of this law, one party of which is the State, are undertaken without any tax or tolls.

ARTICLE 41: The land revenue on land distributed shall be exacted from the new owner in accordance with the Lands Revenues Act from the date of handing over.

ARTICLE 42: When, without reasonable excuse, a person leaves his land and does not cultivate it within six months, the land will be requisitioned from him and given to deserving persons in accordance with the provisions of this law.

ARTICLE 43: The Council, in accordance with the provisions of this law shall devise regulations and statutes and after legislation shall enforce them.

ARTICLE 44: This law is enforceable one year after publication in the Official Gazette.