

Law on land expropriation

Chapter I

General provisions

Article 1

This law is enacted to regulate the issues concerning lands expropriated for public needs.

Article 2

Expropriation of land or a part of such land, which is needed for public purposes, shall be carried out upon the approval of Council of Ministers, and with provision of prior and adequate compensation (based on the market price of the land)

Article 3

The council of ministers shall be empowered to expropriate a piece of land totally or partly for the following purposes:

1. Construction of manufacturing institutions, highways ,pipe lines, extension of communication lines ,power transmission cables, sewerage canalization, water supply network ,religious mosques and schools, and other public welfare entities.
2. Mining and extraction from underground reservoirs
3. Lands with cultural or scientific importance, cultivatable lands, vast gardens and major vineyards, which have economic importance, and lands [planned] for jungles and dams may be expropriated in exceptional circumstances upon the approval of council of ministers, pursuant to permission by Sharia.

Article 4

Expropriation of a part of a land shall not:

- ban the owner of the land to use the remaining [un- expropriated] part;
- give rise to conditions which make the remaining land unsuitable to use.; or
- Create difficulties in exploiting the land.

Whenever such conditions shall be present, all of the land shall be expropriated.

Article 5

In order to determine the damages incurred due to land expropriation, a commission shall be formed by the Municipality, composed of the following members:

1. The Owner or the user of the land, or their agent.
2. Authorized representative of the institution or administration for the needs of which the expropriation shall be carried out.
3. A representative from Kabul municipality.
4. A representative from The Ministry of Finance.
5. A representative from the Department for Defending Emirates Property, Ministry of Justice.

Article 6

1. The right to own or use the land shall be terminated, in accordance with articles eight and nine of this law, three months prior to the actual start of the project, provided that the rights of the owner or the damages incurred by the user of such land are compensated.
2. Termination of ownership right shall not deprive the owner or the user of the land from collecting the [agricultural] products of or the fruits of the trees in the land, except where urgent use of the land shall require rapid evacuation of the land.

Article 7

1. Institutions, administration and [public] geological, surveying, geodesy, or other research organizations may carry out the relevant affairs which are temporary, without expropriating the land, upon the permission granted by Kabul municipality or the regional director.
2. The starting date and place for conducting research activities shall be determined upon the agreement of the owner or user of the land; if no such agreement may be reached, the mayor or the director of the region shall define the starting date and the place for discharging such activities.

Chapter II Compensations

Article 8

The following compensations shall be provided for land expropriation:

1. the price of the land
1. The price of any residential houses, buildings and other constructions located on the land.
2. The price of any fruit bearing or ornamental trees, or other saplings set on the land.

Article 9

Any lands distributed to people, from 09/02/1357 to 08/02/1371 [solar years] (1978-1992), in accordance with specific legislative documents of that period, shall be expropriated if needed for public reasons, for the price of the building and the trees, without any compensation for the price of the land.

Article 10

The price of lands subject to expropriation shall be determined by the Council of Ministers. The grade [quality] and location of the land shall be considered for determining the price of the land.

Article 11

The price of residential houses, buildings and other constructions belonging to the owner or user of the land shall be determined by a committee of Kabul Municipality, in accordance with The Unified Table for Valuation.

Article 12

Upon payment of the price for residential houses and other buildings, the construction materials of such buildings shall belong to the owner free of charge. In such cases, the destruction of the building shall be the liability of the owner. The rule provided for in this article shall also apply to buildings the land of which has been expropriated after to the enforcement of expropriation law, where the buildings have not been demolished yet

Article 13

A land plot of the same value shall be distributed to those whose house- land has been expropriated, or if requested so by the owner, another residential house owned by Emirates shall be put at his disposal, in accordance with the specified criteria.

Article14

Instead of paying the price for an expropriated land to the owner of such land, another piece of land, equivalent to such land, may be distributed to the owner upon his agreement. If such new land has a grade higher than that expropriated, the owner shall pay the difference to the Emirates and vice versa.

Article 15

1. The price for fruit bearing or ornamental trees or other saplings set on a land subject to expropriation, which belong to the owner and user of such land, shall be determined as decided by the municipality and the administration for agriculture.
2. The owner or user of the land is entitled to possess the trees and saplings which are not included in the plan for a green area on the land, provided that he has not received the price for such trees and saplings.

Article 16

Whenever the lands which are owned by Emirates and used by joint or public institutions or administrations are required by the state to be made available to the municipality for a public purpose, only the construction materials shall belong to the previous user [shall be compensated to the previous user]. The price of the land and the buildings shall not be paid to such users.

Article 17

Emirate lands (including free urban lands) may be used for public needs without payment of price for such lands. The municipality or the district authorities shall collect only the following expenses form the institution or administration.

1. Expenses related to planning and designing the land under construction
2. Expenses of concreting, asphaltting and plantation of saplings, major connecting routes, and establishment of streams.
3. Expenses related to verdure of the area under construction and establishment of the main and subsidiary parks.
 1. Expenses of water supply, sewerage canalization and connection to power source.
 2. Other expenses related to urban development.

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1. Damages incurred due to researches and surveys outlined in article (7) of this law shall be compensated as agreed by the parties. In the absence of an agreement, the committee appointed by the municipality or the district authorities shall determine the compensation.
2. The committee shall be composed of the representatives of interested parties plus other authorized agencies.

Article 19

1. If the owner or user of a land shall not succeed to collect the land products or the fruits, the institution or administration to which the land has been given, shall compensate the damages suffered by the owner or user.
2. The amount of damages shall be determined by a committee constituted from municipality, administration for agriculture, and district authorities, taking into account the value of seeds, fertilizer, irrigational expenses and other services provided by the owner.
3. The amount paid for the damage shall in no case be more than the proceeds the owner obtains from the land.

Article 20

The land owner, user or their legal procurator shall be informed three months prior to expropriation and the price of land. In case, the land user, owner or their legal deputy does not attend the session of the Committee for Valuation of Property under expropriation, even though they were invited, this shall not prevent the committee to continue the work and implement the project.

Article 21

The compensation for lands which are put at the disposal of institutions and administrations, or in which the said institutions and administrations are allowed to do their research and surveys in, shall be provided by such institutions and administrations.

Chapter III Final provisions

Article 22

1. While expropriating the land, the expropriating administration shall receive the legal documents establishing the title to the expropriated land, from the owner.
2. The owner shall submit the legal documents for the ownership of expropriated land to the expropriating administration.
3. In case a part of a property referred to in a legal deed is expropriated, the expropriated property is excluded from original deed and the ownership document shall remain with the owner.
4. Any claim filed by owner after receiving the compensation for the property, shall not be heard.

Article 23

This law shall enter in to force upon being signed, and shall be published in the official gazette .Upon entry into force of this law, the law on expropriation of land, published in official gazette NO (639), dated, (10 /07/1366), and all the relevant amendments, and any provisions against this law shall be repealed.

