

LAW FOR SETTTLING OWNERSHIP AND TAX MATTER AND THE PRICE OF WATER FOR LANDS BELOW THE ARGHANDAE AND KAJAKAI DAMS

For proper management of Helmand and Arghandab waters, providing the possibilities of utilizing the above said river's water, culminating the serious losses resulting from scarcity of water which occurred in Helamnd and Arghandab rivers in late years and caused destruction to orchards, gardens, trees and in order to put an end to the difficulties and complaints of the people having lands in Helmand and Arfhandab valleys, and also to strengthen agriculture in the said valleys as well as to stabilize country's economy, the Government proceeded in building Arghandab and Kakakai dams. Devising ways and means for utilizing Arghandab and Kajakai reservoirs water, settlement of ownership problems, land and water taxes are determined herein.

Chapter one: Settlement of Properties

Article 1: Claims for lands under Arghandab and Rajakai dams can be determined on the following conditions:

- a. On presentation of deeds, transfer documents, judicial determination, marriage settlement and sworn in document date of which is to be prior to the year 1329 (1950). Such documents are considered valid whether these are in one's name or have been received in inheritance.
- b. In case a person claims a property on the basis of inherited occupation, his claim will be considered valid if he has receipts on hand for taxes paid and also if such property claimed is registered in the name of his predecessors.
- c. If a man claims a property with a statement that he has been possessing it though he does not have a transfer document or receipt for taxes paid and also if such property is not registered in the tax paying office, such claim will be considered valid if such confession is made in sworn in document and duly verified by witnesses and the village chief. If such claim verification is later proved to be false, such land will be returned to the Government and a fine of Afs.200/and Afs.100/per jerib will respectively be imposed on the confessor and witness.
Note: The village chief and witnesses should be land owners.
- d. If a man claims to have purchased a land and does not possess a deed but can present tax receipts issued in the name of a man from whom he has purchased such land and if such land determined to have been in the possession of the seller according to the provision of paragraph a-b-c above, the buyer will receive a deed from the seller and after that such ownership will be considered valid.
- e. In determining lands which have been given as grants the legal documents in this connection will be deemed satisfactory.

f. If the boundary inserted in the deed or any other legal document coincides with the actual boundary of the land such ownership becomes definite.

Article 2:

In case the boundary of the land does not coincide with that of the deed the assumed units of the deed such as acreage, seeding quantity, Karez, area to be planted by a pair of bulls, jungle water rights and so on are acceptable. The assumed unit is modified and charged into jeribs on the basis of customs and traditions of the village where the land is situated with the consideration of single and double crops land. If no customs and traditions prevail in such a village the ones regarded in the neighboring villages will be relied upon.

Article 3:

If the boundary mentioned in the deed or other legal documents does not coincide with the boundary of the relative land and except boundary no other assumed unit, which would reveal the area of the land is inserted, the boundary will be determined according to the sworn in document of the person who makes a claim and verification of village people and village chief already specified in paragraph (c) article 1. The amount in the deed inserted to the satisfaction of the Governor's or Sub-Governor's consultative meeting will also be considered.

Article 4:

Every claim of property whether supported by legal documents, inherited or purchased will prior to its determination be compared with the records in the property offices, and financial aspects. To make sure that the land claimed is not confiscated or the owner has failed to pay taxes and has give it up to the Government, final investigations will be made.

Article 5:

Properties proved to be under Government supervision or found contrary to provisions of paragraph 4 will be handled as follows:

- a. If the said lands have not been registered in the property offices the ownership of the same will be transferred to the Government.
- b. Ownership of lands not under Government supervision will not be effected, but will continue to remain under supervision.

CHAPTER TWO: AREA DETERMINATION AND LAND STATISTICS

Article 6: Persons who prove their ownership according to (Article 1 to 5) of this (schedule) will be provided by the finance agencies with 3 sheets of land area declaration forms at the rate of Afs.1/- sheet.

Article 7: Land area declaration forms which are prepared according to the sample supplemented herewith will consist of the locality, name, father's name, complete address

of the owner, number and date of issuance of ownership document, boundary, class and acreage and the other characteristics of the land.

Article 8: The owner of the declaration form will insert kind, date, place of issuance of document, class, boundary and area of his land as well as its assumed (acreage) therein and will make a commitment that if it is later proved that his land is 10% greater than what he has inserted in the declaration form as a result of measurement, such excess land will belong to the Government.

Article 9: At the time of lands measurements taken by Government Agencies if any difference is found in the acreage of land inserted in the declaration forms the following will govern:

- a. If the difference is more than 10%, such excess percentage of land will be registered as Government property.
- b. In case the difference is less than 10%, the land will still belong to the owner and tax will be levied on it as of that date.
- c. If the land is less than what has been inserted in the declaration form, then such difference shall be deleted as of the date it is proved.

Article 10: Declaration forms duly filled are according to article 11 and 12 completed by the signature or thumb print of the relative individuals.

Article 11: All declaration forms duly sealed and signed are verified by four known villagers as well as the village chief. Such verification of the villager and village chief is considered as witness introduction and certificate for the owner of the declaration form.

Article 12: All declaration forms are also verified by a committee consisting of members from the Revenue Dept., Local Government Revenue Branch and Local Court.

Article 13: After declaration forms are completed according to article 11 and 12, they become valid for being transacted in revenue offices. Revenue officials are to prepare all declaration forms in 2 copies and have the total contents of these copies in the revenue branch books. One copy of the form should be retained in their office and one copy should be forwarded to their head office.

Note: A third copy will remain with the owner of the declaration form.

Article 14: All later changes in the ownership already registered in revenue offices according to article 13 will be duly verified by the revenue and inserted in the revenue records. In case such lands have been sold prior to land measurement, a re-measurement of these lands will be done again by the revenue departments prior to the verification of sale deed. All expenses incurred in this respect will be borne by the owner of the land.

CHAPTER THREE: LATER RATES

ARTICLES 15-18: repealed and replaces by Law of 10 Agrab 1342.

CHAPTER FOUR: DAMS AND THE COMPENSATION OF EXPENSES INCURRED

Article 19: For compensating the expenses incurred by the Government in the maintenance of dams the following tax will be collected from the owners who possess land under Jajakai and Arghandab dams and utilise their water:

- a. annual tax per jerib for 1st class land Afs. 2.00
- b. annual tax per jerib for 2nd class land Afs. 1.50
- c. annual tax per jerib for 3rd class land Afs. 1.00

Note: Lands which had prior water rights are also liable to such tax. Since the water supply to them is guaranteed and controlled.

Article 20: The Government will maintain the dams but the maintenance work of the canal will be handled by the people.

Article 21: Prior water rights of each lateral will be releases in it according to the records registered by the experts. Similarly water rights of each lateral which the people according to Article 16 herein purchase from the Government will be supplemented with the prior water rights will be handed over to the water master of each village. Water will be distributed by the people among themselves according to the prevailing local methods and will be controlled by the pertinent water master.

CHAPTER FIVE: HELMAND AND ARGHANDAB VALLEY LAND REVENUE

Article 22: All land revenues for land in Helmand and Arghandab Valleys irrigated by Helmand-Arghandab and Boghra Canal will be collected according to Article 23 and 24 herein.

Article 23: Revenue will be levied as follows on reclaimed lands under Arghandab dam beginning in the year 1332 and under Kajakai dam beginning in the year 1333:

- a. Orchard lands per jerib Afs. 15.00
- b. Farm lands
 - 1) 1st class per jerib Afs. 9.00
 - 2) 2nd class per jerib Afs. 7.00
 - 3) 3rd class per jerib Afs. 5.00

Article 24: All newly reclaimed lands will be exempted from revenue for the first two years and for 2 succeeding years will be liable to 50% of the revenue stated in article 28, herein proportioned to the class of land. Thereafter, full revenue will be levied on such lands.

Article 25: Persons who fail to reclaim their lands till year 1335 will be allowed the following concessions in the payment of revenues.

Revenue for the first 2 years equal to revenue for 3rd class land.

Revenue for two succeeding years equal to revenue for 3rd class land.

Revenue for two succeeding years equal to revenue for 2nd class land.

Thereafter such lands will be subject to payment of revenue equal to the revenue for 1st class lands stated in article 23 herein and no excuses for failure in reclamation of such lands will be acceptable.

Article 26: Persons who have less than 50 jeribs of land and fail to reclaim their lands will according to the Agriculture Bank's rules and regulations receive a credit loan from the said bank to meet the expenses of reclamation.

This schedule which have been planned and formed into 26 aforesaid provisions will after the approval of authorities concerned be applicable in land settlements, and measurements, sale, water distribution, water rights, compensation of Kajakai-Arghandab Boghra Canal operation and maintenance expenses and revenue of land under the said dams and canals.

(Translation of facsimile declaration form omitted).

Amended: 10 Agrab 1341
15 Hoot 1349

Amendment:

1. Taxes and the maintenance charges for the lands under the construction of Shemalan project, are not taken till its completion.
2. The owners of the lands are obliged to pay the expenses for the Shemalan project investment, and charges for the maintenance and operation of Irrigation & Drainage Network, according to the utilization of each Jerib. The expenses of the investment of this development project, are paid back without interest in a 40 years term starting ten years after completion of each farm unit.
In addition to the expense of the maintenance of the dam which are being taken now, the owners also have to pay, after the completion date of each farm unit, fixed yearly maintenance fees to the operation of the Irrigation & Drainage network for each Jerib in accordance with the actual expenses level.
3. The losses occurred in the lands caused by the construction of canals, drainages, and roads, is not payable from the public property. But the difference is arranged on a certain percentage basis when the lands are returned to the owners, from the consolidated property.
4. This order is in force after its publication in the Official Gazette.

15 Hoot 1349