

(Notes: Re-typed 6 Sept 2011. Spelling, grammar and punctuation have not been corrected. There are several alignment errors. The original could not be scanned.)

“Note: Copied at Lashkar Gah, Aug. 18 1960
From translation of original provided by HVA.

RULES OF SETTLEMENT, LAND TAX PROBLEMS AND THE TAX OF IRRIGATION WATERS UNDER KAJAKI AND ARGHANDAB DAMS.

Preface

For proper management of Helmand and Arghandab waters, providing the possibilities of utilizing the above said rivers' water, eliminating the serious losses resulting from scarcity of water which occurred in the Helmand and Arghandab rivers in late years and cause 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 Arghandab 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 Kajaki dams. Devising ways and means for utilizing Arghandab and Kajaki reservoirs water, settlement of ownership problems, land and water taxes are determined herein.

Article 1

Settlement of Properties

1. Claims for lands under Arghandab and Kajaki dams can be determined on the following conditions:
 - a. On presentation of deeds, transfer documents, judicial determination, marriage settlement and sworn in documents date of which is to be prior to the year 1329 (1950). Such documents are considered valid whether these are on 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 on 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 a 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 jirib 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 on the name of the man from whom he has purchased such land and if such land determines to have been in the possession of the seller according to the provisions 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 deemed satisfactory.
 - f. If the boundry inserted in the deed on any other legal document coincides with the actual boundry of the land such ownership becomes definite.
2. In case the boundry of the land does not coincide with that of the deed the assumed units of the deed such as acreage, seeding quality, Karez, area to be planted by a pair of bulls, jungle water rights and so on are acceptable. The assumed unit is modified and changed 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 village will be relied upon.
 3. If the boundry mentioned in the deed or other legal document does not coincide with the boundry of the relative land and except boundry no other assumed unit, which would reveal the area of the land is inserted, the boundry 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 © 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.
 4. Every claim of property whether supported by legal documents, inherited or purchased will prior to its determination will be compared with the records in the property offices, and financial aspects. To make sure that the land claimed is not a confiscatory one or the owner having failed to pay taxes has given it up to the Government, final investigations will be made.
 5. Properties proved to be under Government supervision or found contrary to provisions of paragraph 4 will be handled as follows:

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

Article 2

Area Determination and Land Statistics

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 form at the rate of Afs.1/- per sheet.

7. Land area declaration form which are prepared according to sample supplemented herewith will consist of locality, name, father's name, complete address of the owner, number and date of issuance of ownership document, boundry, class and acreage and the other characteristics of the land.
8. The owner of the declaration form will insert kind, number, date, place of issuance of document, class, boundry and area of his land as well as its assumed (acreage) therein and will make a commitment that if it is later proved his land is more than 10% of what he has inserted in the declaration form in result of measurement. Such excess land will be considered Government property and will belong to the Government.
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 excess 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.
10. Declaration forms duly filled are according to article 11 and 12 completed by the signature or thumb print of the relative individual.
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.
12. All declaration forms are also verified by a committee consisting of members from the Revenue Dept: Local Government Revenue Branch and local Court.
13. After the 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.

14. All later changes in the ownership already registered in revenue offices according to article 13 will be duly verified by the revenue departments in deed and transfer documents 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 born by the owner of the land.

Section 3

Water Rates

15. All water rights of the farmers which have been recorded prior to the construction of dams will be preserved and not liable to the payment of water rights.
16. On demand of water supply for summer crops as well as for all crops ample water will be supplied at the rate of Afs. 600/, 500/ and 400/- per jirib respectively.
17. Water rates will be charged in cash and land will also be accepted in exchange. In case where land is offered in lieu of water rates, 7 jiribs of land for water supply to one jirib of summer crops and 4 jiribs of land for water supply to 1 jirib of fall crops will be accepted in return.
18. Water rates will be collected in the following installments:
 - a. Up to 50 jiribs (in 20 years installments at harvest season.)
 - b. 51 to 100 jiribs (in 18 years
 - c. 101 to 200 jiribs (in 15 years installments at harvest season.)
 - d. 201 to 300 “ (in 12 years “ “ “ “
 - e. 301 to 500 “ (in 9 years “ “ “ “
 - f. 501 to 700 “ (in 7 years “ “ “ “
 - g. 701 to 1000 “ (in 5 years “ “ “ “
 - h. Over 1001 “ (in 4 years “ “ “ “

The above changes in the period of water-rate payments have been determined by the Cabinet Ministers.

Water rate for land over 1000 jiribs will be collected in one year's time.

No installment is necessary for persons who offer lands in return of water rates.

Section 4

Dams and Compensation of Expenses Incurred Therein

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 Kajaki and Arghandab dams and utilize their water.

- a. Annual tax per jirib for 1st class land Afs. 2/-
- b. “ “ “ “ “ 2nd “ “ “ 1/50
- c. “ “ “ “ “ 3rd “ “ “ 1/-

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

- 20. The government will maintain the dams but the maintenance work of the canal will be handled by the people.
- 21. Prior water rights of each lateral will be released 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 and a list of new 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.

Section 5

Helmand and Arghandab Valley Land Revenue

- 22. All land revenues for lands in Helmand and arghandab Valleys irrigated by Helmand Arghandab and Boghra canal will be collected according to article 23, 24 herein.
- 23. Revenue on reclaimed lands under Arghandab dam and the ones under Kajaki dam will be levied as follows of the year 1332 and 1333 respectively.
 - a. Orchard lands per jirib Afs. 15/-
 - b. Farm lands
 - 1.) 1st class per jirib Afs. 9/-
 - 2.) 2nd class per jirib Afs. 7/-
 - 3.) 3rd class per jirib Afs. 5/-
- 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 revenue stated in article 28 herein proportioned to the class of land. Full revenue will be levied from then on such lands.

25. Persons who fail to reclaim their lands till the 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 2nd class lands.

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

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

This schedule which has 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 Kajaki Arghandab Boghra Canal operation and maintenance expenses and revenue of land under the said dams and canals.”