**Law on Land Acquisition**

**Chapter One**

**General Provisions**

**Basis**

**Article One:**

This law has been enacted in accordance with paragraph (4) of article 40 of the Constitution of Afghanistan.

**Objectives**

**Article Two:**

The objectives of this law are as following:

1. Allowing fair acquisition of individuals’ properties.
2. Regulating methods of determination of properties acquired.
3. Allowing implementation of urban masterplan and all other plans for projects of public interest.
4. Determining standards for appraisal of fair Compensation for properties under acquisition.
5. Allowing transfer of governmental properties for implementation of projects of public interest.
6. Resettlement of owners of acquired properties in major national projects.
7. Compensation to owner and all other people affected by the process of expropriation.
8. Increasing positive impact of expropriation on people.

**Terminology**

**Article Three:**

1. **Expropriation**: Is transfer of ownership of people’s properties to the state against prior and just Compensation for the purpose of implementation of projects of public interest.
2. **Property**: Land, building and its belongings that are attached to land or building and its transfer is impossible without changing its nature.
3. **Expropriating Authority:** Municipalities in the scope of urban masterplans and ministries and governmental agencies outside the areas of urban masterplan with cooperation of the Arazi Office.
4. **Total Expropriation:** Expropriation of whole property registered in a valid document.
5. **Partial Expropriation:** Expropriation of a part of the property registered in a valid document.
6. **Commercial Area:** Is land on which commercial activities continue, the owner has a valid document and taxes are paid for it.
7. **Compensation:** Payment of prior and just exchange of property to the owner.
8. **Affected Person:** Is a person who is not the owner of acquired property, but is affected by the process of expropriation.
9. **Resettlement:** Providing of a residence unit within or outside the area of urban masterplan, to the owner of expropriated property and restoration of former situation of eligible affected persons in major national projects.
10. **Land Readjustment:** Is a practice in which the owner or possessor provides his/her property or a part of it for the purpose of reforms and planning of unplanned urban area, without expropriation, to the implementer of the plan.

**Enforcement Authority**

**Article Four:**

Municipalities in the scope of urban masterplans and Arazi Office outside the areas of urban masterplans are enforcement authorities of this law.

**States of Expropriation**

**Article Five:**

1. An individual’s property shall be expropriated only for the purpose of implementation of projects of public interest:
2. Creating military centers and defense and security establishments.
3. Implementing approved plans of competent authorities.
4. Extracting mines and underground reservoirs.
5. Constructing manufacturing factories.
6. Constructing highways, roads, railways and all transportation lines and related establishments included in governmental projects.
7. Constructing gas and petroleum pipeline.
8. Constructing governmental airports and relevant establishments.
9. Constructing communication and information technology establishments, optical fiber cable network, networks of state television and radio.
10. Constructing and installing networks of power transmission and its pillars, networks of warmth and steam-houses included in governmental projects.
11. Constructing electricity dams, dams for water reservoir, valleys, canals and streams included in governmental projects.
12. Constructing networks of water supply and canalization, centers of waste collection and landfills and sewage included in governmental projects.
13. Constructing health, educational, training, research, sport, entertainment centers and establishments, kindergartens, orphanages and all other social and cultural establishments included in governmental projects.
14. Building mosques and all other religious places included in governmental projects.
15. Constructing complexes and residential towns included in governmental projects.
16. Individuals’ properties shall also be expropriated for the purpose of protection of frontage, extension and expansion of the cases stated in paragraph (1) of this article.

**Prohibition and Limitation of Expropriation**

**Article Six:**

1. Properties having historical and cultural monuments, and national protected areas shall not be expropriated.
2. Cultivatable lands and gardens, agricultural farms, forests, frontage of water resources and green areas which are important for environment protection shall be expropriated with the approval of the government.

**Reasons for Necessity of Expropriation**

**Article Seven:**

The Expropriating Authority shall provide reasons for necessity of expropriation along with its objectives, quantitative and qualitative specifications of land, type and location of project with different options of implementation area of project, social and economic impact and implementation timeframe of the project in details to the government.

**Primary Measures**

**Article Eight:**

1. The Expropriating Authority, expropriates the needed property according to provision of article six of this law and taking the following primary measures:
2. Providing reasons regarding public interests of the project.
3. Determining exact minimum area needed for the project.
4. Studying and evaluating environmental and social impact resulting from implementation of the project.
5. Preparing and developing project plan according to the law.
6. Receiving opinion of the evaluation committee of plan of the expropriation project, prior to implementation of the expropriation plan of the project.
7. Preparing expropriation plan with cooperation of Arazi Office and all other relevant agencies.
8. Preparing list of owners, possessors and affected persons in the area of expropriation.
9. Consulting with community of the area under expropriation regarding implementation of the project.
10. Forecasting necessary budget for payment of Compensation of expropriated properties and relevant compensation and covering expenses of implementation of the project.
11. Recommendation of transfer of governmental property included in project of public interest from Arazi Office.
12. Obtaining agreement of Arazi Office regarding exchange of property of that office with the owner in case there is no exchangeable property or if there is no adequate financial fund for payment of compensation.
13. The Expropriating Authority shall, prior to implementation of the expropriation plan, provide the project to the evaluation committee of plan of expropriation project.
14. Measures set forth in sections (5 and 6) of paragraph (1) and provision set forth in paragraph (2) of this article shall not be applied in cities having approved masterplans.

**Chapter Two**

**Responsibilities**

**Responsibility of the Expropriating Authority**

**Article Nine:**

The Expropriating Authority shall, after approval of the plan by the evaluation committee and approval of project by the government, inform the property owner and affected persons under expropriation, six months prior to its implementation through mass media and local competent administrative source regarding the following issues:

1. Objective of expropriation.
2. Type and adequate size of property needed for expropriation.
3. Detailed plan of the project.
4. Estimation of value of property needed for expropriation on the basis of minimum and maximum value of the land.
5. Ensuring allocation of prior and just payment of compensation.
6. Starting date of project.

**Responsibility of Owner and Affected Persons**

**Article Ten:**

1. Owners of the property and persons affected due to implementation of project have the following responsibilities:
2. Submitting original valid document of ownership to the Expropriating Authority for the purpose of receiving compensations and other relevant privileges.
3. Evacuation of property under expropriation within a month after receiving compensation.
4. Transfer of property to the Expropriating Authority according to the provisions of law.
5. Any claim filed by the persons stated in paragraph (1) of this article, after receiving the compensation and other relevant privileges, shall not be heard.

**Responsibility of Arazi Office**

**Article Eleven:**

1. The Arazi office, for creating coordination among relevant agencies, has the following responsibilities:
2. Cadaster survey and clearance of expropriated land and exchangeable and transferable land.
3. Exchange of governmental land with expropriated land, with agreement of its owner at the request of the Expropriating Authority.
4. Exchange of governmental land with land of the Expropriating Authority.
5. Granting deed to the owner if Compensation for the expropriation is land.
6. Excluding expropriated property from the relevant registration office and informing relevant agencies about it.
7. Registration of expropriated property in the relevant registration office.
8. Determining minimum value of land.
9. Monitoring of implementation of the expropriation process.
10. The Arazi office shall for the purpose of stability of market of properties and facilitation of land related services, determine lowest minimum value of land across the country after every five years, according to a procedure and announce it to all agencies after approval of the government.
11. Whenever due to implementation of a project, value of the adjacent properties increases, in this case, portion of the owners in paying Compensation of expropriation is determined according to a special regulation.

**Evaluation Committee**

**Article Twelve:**

1. For the purpose of evaluation of expropriation plan of the projects and coordination and solidarity in its implementation, the Evaluation Committee shall be created and composed as following:
2. Second Vice President as head of the Committee.
3. Director of Arazi Office as member.
4. Deputy Minister of Urban Development and Housing as member.
5. Deputy Minister of Finance as member.
6. Deputy Minister of Justice as member.
7. Deputy Minister of Mines and Petroleum as member.
8. Deputy Minister of Public Works as member.
9. Deputy Minister of Agriculture, Irrigation and Livestock as member.
10. Deputy Minister of Information and Culture as member.
11. Deputy Minister of Energy and Water as member.
12. Deputy Minister of Economy as member.
13. Deputy of Independent Directorate of Local Governance as member.
14. Deputy of National Environment Protection Agency as member.
15. Deputy of Kabul Municipality as member.
16. Representative of Afghanistan Chamber of Commerce and Industries as member.
17. Owner or representative of owners of expropriated property as member.
18. Arazi Office has the responsibility of secretariat of the Evaluation Committee of plan of the expropriation projects with cooperation of the relevant agency.
19. Affairs related to activities of the committee outlined in paragraph (1) of this article shall be regulated in a procedure approved by the said committee.

**Chapter Three**

**Types of Expropriation**

**Expropriation of Property with Buildings and Establishments**

**Article Thirteen:**

1. Whenever buildings and establishments are constructed on the expropriated land, the owner may destruct it and transfer the construction materials within a period of three months.
2. If the owner fails to destruct the building or establishments and transfer the construction materials within the period specified in paragraph (1) of this article, the Expropriating Authority may take action to destruct it. In this case, the owner shall not be entitled to relevant construction materials.
3. Clearance of the area after destruction of building or establishments is liability of the Expropriating Authority in coordination with National Environment Protection Authority and relevant Municipality.
4. Buildings that need to be professionally destructed, the Expropriating Authority shall take measures to destruct it at their own expenses by assigning professional staff.
5. The Expropriating Authority, owner, possessor and affected person shall, at the time of destruction of expropriated property take necessary measures for protection of communication cables, power transmission lines, water supply and canalization establishments, gas pipelines and all other networks providing public services, otherwise they shall compensate the loss incurred.
6. Destruction of building and establishments that do not have specific owner shall be carried out by the Expropriating Authority.

**Cutting Trees and Plants of Expropriated Property**

**Article Fourteen**:

1. Whenever the expropriated property has trees, plants and the likes of it, in case implementation of the project is causing to demolish it, the owner may take action to cut and transfer it, products shall belong to the owner free of charges.
2. Whenever the owner does not take action to cut and transfer trees, plants and the likes of it within period given in paragraph (1) of this article, the Expropriating Authority may cut and transfer it. In this case, the owner shall not be entitled to it.
3. Whenever harvesting of products is not possible in the period given in paragraph (1) of this article, the Expropriating Authority may extend the period till the time of harvesting of products; and in case of urgency of implementation of the project, shall cut trees, plants and the likes of it and submit it to the owner along with price of the products.
4. Whenever products of the expropriated property are demolished due to natural disasters, period given in paragraph (1) of this article is invalid; the Expropriating Authority may take action for implementation of the project.

**Total or Partial Expropriation**

**Article Fifteen:**

1. Whenever a property is totally expropriated, the legal deed of the property shall be taken by the Expropriating Authority; and after payment of the compensation, the owner’s ownership shall be terminated in relevant office and registered and recorded with the name of the Expropriating Authority in the relevant registration office.
2. Whenever a part of a property is expropriated, in this case, the expropriated part of the property is excluded from the original deed and registered in the relevant registration office; and the deed shall remain with the owner.
3. Whenever a part of a property of a person is expropriated in a way in which the owner is able to use the remaining part, in this case, the remaining part shall not be expropriated.
4. Whenever the remaining part mentioned in paragraph (3) of this article is of no use for the owner; in this case, the Expropriating Authority shall, with the agreement of owner expropriate that part under the same conditions.
5. Whenever the owner does not agree to expropriation of the property mentioned in paragraph (3) of this article; in this case, he shall use it according to the approved plan of the competent authorities.

**Urgent Expropriation**

**Article Sixteen:**

1. Considering provision of article five of this law, property may be expropriated urgently for the following objectives:
2. Ensuring defense and security interests of the country.
3. In case of occurrence of earthquake, volcano, floods, storm, mountain slides, explosion and all unexpected situations, for resettlement of affected people.
4. In cases stated in paragraph (1) of this article, minimum property as deemed necessary shall be expropriated after the approval of the government.
5. Provision of Article Nine of this law shall not be applied in cases of urgent expropriation.
6. In cases of urgent expropriation, appeals and complaints of owners and affected persons shall be approached after implementation of the project.

**Expropriation of Property under Possession of Possessor**

**Article Seventeen:**

1. Whenever expropriated property is under possession of possessor bound by a contract; the owner and possessor shall within first three months of the period mentioned in Article Eight of this law clear the accounts for the deal; otherwise the Expropriating Authority shall take necessary measure with the recommendations of a competent court for the purpose of avoiding loss of the rights of either owner or possessor.
2. The Expropriating Authority shall in case mentioned in paragraph (1) of this article pay the proven right of possessor and submit the remaining Compensation to the owner of property. In case he/she denies receiving it, the received amount is deposited to a depository account in a governmental bank and any claim filed by him/her shall not be heard later on.
3. The Expropriating Authority, in case mentioned in paragraph (1) of this article shall compensate the loss incurred to both parties according to the situation.

**Procurement of Property**

**Article Eighteen:**

1. The Expropriating Authority may procure required property that is located outside of the scope of masterplan, after clearance with the consent of the owner.
2. Whenever the Expropriating Authority needs land less than 1000m2 for the purpose of installation of pillars or power junction, communication antenna, radio and television, construction of security checkpoints, technical devices and the likes of it, they shall procure it on the basis of legal deed of the owner with his consent and agreement of the Arazi Office.
3. Whenever the parties do not reach agreement through negotiations on the deal mentioned in paragraph (2) of this article, the Expropriating Authority shall expropriate the targeted property according to the provisions of this law.

**Chapter Four**

**Transfer of Government Property for Implementation of Project**

**Transfer of Property to Municipality**

**Article Nineteen:**

Whenever Municipality needs property of ministries and governmental agencies for the purpose of implementation of masterplan, the targeted property shall be transferred to the relevant municipality after approval of the Land Use Plan by the government, according to the provisions of this law.

**Transfer of Property of Government Agency**

**Article Twenty:**

1. Whenever a ministry or a government agency needs property of another ministry or government agency for the purpose of implementation of a project within the scope of urban masterplan or outside of it, the property shall be transferred according to the provisions of this law.
2. Whenever people are affected due to transfer of property mentioned in paragraph (1) of this article, the ministry or government agency to which the property is transferred shall compensate the loss incurred.

**Expropriation and Transfer of Endowed Property**

**Article Twenty One:**

1. Whenever expropriated property is endowed, it shall be expropriated and transferred according to the following conditions:
2. In case the property is temporarily endowed, the targeted property shall be expropriated according to the provisions of this law.
3. If the property is permanently endowed, the Expropriated Authority shall pay compensation for it.
4. Whenever endowed property mentioned in section (2) of paragraph (1) of this article is expropriated, the Expropriating Authority shall in exchange for the endowed property distribute another piece of land in a proper place, and in exchange of building pay its price to the relevant Endowment Office; and in this case, the Expropriating Authority shall undertake destruction of the building and clearance of the area.

**Chapter Five**

**Valuation of Expropriated Properties**

**Panel of Developing Bill of Valuation of Expropriated Properties**

**Article Twenty Two:**

Panel of Developing Bill of Valuation of Expropriated Properties shall be appointed and composed for the purpose of developing bill of valuation of expropriated properties in approved projects within the scope of masterplan and outside of it in every province as following:

1. Provincial Governor as Head of the Panel.
2. Mayor as Deputy.
3. Director of Arazi as member.
4. Representative of cadaster survey of Arazi as member.
5. Representative of Directorate of Agriculture, Irrigation and Livestock as member.
6. Representative of Directorate of Urban Development and Housing as member.
7. Representative of Directorate of Justice as member.
8. Representative of Directorate of Public Works as member.
9. Representative of *Mastofiat* as member.
10. Representative of Expropriating Authority as member.
11. Representative of Afghanistan Chamber of Commerce and Industries as member.

**Duties and Responsibilities of Panel of Developing Bill of Valuation of Expropriated Properties**

**Article Twenty Three:**

Panel of Developing Bill of Valuation of Expropriated Properties shall, at the time of developing bill of valuation of expropriated properties and providing it to the government for approval, consider the following standards:

1. Estimated value of property in local market and neighboring areas during three months prior to preparation of the bill.
2. Observation of type, location, grade and core business value of expropriated properties.

**Technical Panel**

**Article Twenty Four:**

1. Technical Panel for the purpose of pricing of expropriated properties consisting of professional engineers of the Expropriating Authority and owner or representative of owners shall be created according to the relevant procedure with the following duties:
2. Awareness of affected persons on how to receive compensation payments.
3. Determining owners or possessors of the expropriated property and evaluation of primary list of affected persons.
4. Measurement of values of expropriated property according to the provisions of this law and bill of valuation.
5. Whenever a municipality has Expropriating Authority in its administrative structure, the said unit shall carry out duties outlined in paragraph (1) of this article.

**Appraisal of Compensation of Property with Building and Establishments**

**Article Twenty Five:**

1. Whenever there are buildings or establishments constructed on the expropriated property, the price of building and establishments shall be determined and appraised by relevant professional engineers in consideration of architectural and engineering standards, and added to the original price of the land.
2. Whenever one part of the expropriated property has more value while another part has less value, in this case the price of every part shall be appraised separately in accordance to the provisions of this law.

**Appraisal of Compensation for Cultivated Land**

**Article Twenty Six:**

1. Whenever expropriated property is cultivated, apart from price of the property, price of seeds sowed, chemical fertilizers and costs of farming shall be figured out and if the crops are near to bloom and its grains are visible, the price of crops shall be added to the price of property, unless according to the provisions of this law, the owner or possessor is given his rights of production.
2. The Expropriating Authority shall protect trees that are planted on the expropriated property if according to the planned map are included in green areas.
3. The Expropriating Authority, in case of demolition of green area due to implementation of expropriation project, shall create equivalent area with recognition and cooperation of National Environment Protection Authority and all other relevant agencies.

**Appraisal of Compensation of Property with Trees**

**Article Twenty Seven:**

1. Whenever the expropriated property has non-productive trees, the price of trees shall be determined on basis of price of firewood, according to the local tradition and added to the price of property.
2. Whenever the expropriated property has non-productive ornamental trees, the price of trees shall be determined on the basis of price which is five times that of firewood, according to the local tradition and added to the price of property.
3. Whenever the expropriated property has productive trees, the price of trees shall be determined on the basis of price of firewood, according to the local tradition and added to the price of property along with price of the products of trees in the next five years.
4. Whenever the fruits of the trees have bloomed, the price of fruits is also added to the price of the products of trees in the next five years, unless according to the provisions of this law the owner or possessor has received his right of collection of crops.

**Appraisal of Compensation of Commercial Area**

**Article Twenty Eight:**

Whenever the expropriated property is a commercial area, the price of it shall be confirmed in consideration of core business value of the adjacent commercial area and the compensation of it may be distributed in form of a business plot according to a specified price in the same project and in case of non-availability in a similar project.

**Appraisal of Compensation of Non-Commercial Area**

**Article Twenty Nine:**

1. Whenever the expropriated property is in non-commercial area and its measurement is from one to ten *Biswa* (100m2), the owner of the property after receiving Compensation shall be privileged to receive a plot or a residential unit for a municipality specified price in the same project or a similar project.
2. Whenever the expropriated property is in non-commercial area and its measurement is more than ten *Biswa*; for every ten *Bisaws,* the owner of the property after receiving compensation shall be privileged to receive a plot or a residential unit for a municipality specified price in the same project or a similar project, provided that the total number of plots or residential units does not exceed five.

**Payment of Rent of Expropriated Residential House**

**Article Thirty:**

Whenever the urgent expropriated property is a residential house, according to provision of Article Twenty-Five of this law, the rent of three months in consideration to residential houses in the neighboring areas on the basis of average price is appraised and shall be paid to the owner by the Expropriating Authority, after the date of evacuation of the house.

**Payable Compensation to the Owner**

**Article Thirty One:**

1. Properties stated in articles twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine of this law shall be compensated as following:
2. Equivalent land to the expropriated property in terms of type, location, grade and business value of related area according to the provisions of this law.
3. In case of unavailability of land equivalent to the expropriated property and extra land of government agencies, part of it in land, in consideration to the conditions set forth in section (1) of this paragraph and the rest of it in cash.
4. In case of unavailability of land, total in cash.
5. All methods of payment of compensation shall be regulated through a separate regulation.

**Appraisal of Compensation of Arbitrary Buildings**

**Article Thirty Two:**

1. A person, who has in the area of implementation of the project occupied governmental property for shelter and has built an arbitrary building, shall only be paid the price of building and shall be eligible for receiving a plot against a specified price.
2. Provision of paragraph (1) of this article shall apply under the following conditions:
3. The possessor shall have no other residence in that city.
4. Shall have possessed the property for at least ten years.
5. Provisions of paragraphs (1 and 2) of this article shall not apply to arbitrary buildings that are constructed after enforcement of this law.
6. A person, who after enforcement of this law, occupies governmental property and constructs arbitrary building there, shall be prosecuted according to the provisions of this law.

**Appraisal of Compensation of Property with Informal (Customary) Deeds**

**Article Thirty Three:**

1. A person who has in the implementation area of the project, procured a private property with informal (customary) deed and has built an arbitrary building on it, the building shall be valuated according to criteria set forth in article twenty-three of this law and the price of building shall be added to the original price of the land.
2. Whenever a person stated in paragraph (1) of this law has no shelter in the scope of that city; in this case, he shall be recognized eligible to receive a plot against a specified price in the same project or a similar project.

**Objection against Decision of Technical Panel**

**Article Thirty Four:**

1. Whenever the owner or his/her legal representative is not satisfied regarding compensation of the expropriated property, he/she may present his/her objection statement with the reasons, within (60) days after the date of receiving information about compensation, to the Expropriating Authority.
2. The Expropriating Authority shall assess the objection stated in paragraph (1) of this article within 30 days and take appropriate decision.
3. Whenever the claimant is not satisfied with the decision of the Expropriating Authority, the issue shall be referred to jury.

The Jury consists of:

1. Representative of relevant Union of Engineers.
2. Representative of Afghanistan Chamber of Commerce and Industries.
3. Representative of the people of the expropriated area.

The decision of the jury is final if the parties agree; otherwise the issue shall be referred to a competent court.

**Incapable Owner**

**Article Thirty Five:**

Whenever the owner or possessor of the expropriated real estate is legally incapable, the compensation shall be paid to his/her legal representative according to the provisions of law.

**Expropriation of Property of an Absent Person**

**Article Thirty Six:**

1. Whenever the owner of the expropriated property or his/her legal representative does not appear within period specified in article nine of this law after the announcement of the expropriation project, the Expropriating Authority after receiving necessary information, presents the issue to a competent court for appointing a legal proxy.
2. The Technical Panel in case stated in paragraph (1) of this article, after appointing a legal proxy by the court, shall valuate the expropriated property according to the provisions of this law and the Expropriating Authority shall implement plan of the expropriation project.
3. The Expropriating Authority shall deposit compensation of property stated in paragraph (2) of this article to a certain account in a state owned bank till the appearance of the owner or his/her legal representative; and upon returning, the owner or his/her legal representative shall be eligible to receive it.
4. A property, the expropriation proceedings of which have not been completed, but a plan is implemented on it; the owner of expropriated property or his/her legal representative shall be eligible to receive the price determined at the time of expropriation proceedings.

**Time of Payment of Compensation**

**Article Thirty Seven:**

1. The Expropriating Authority shall pay compensation of the expropriated property to the owner and expenses to the possessor and affected person, prior to implementation of the project.
2. Whenever there is a dispute between the owner and possessor regarding building or crops, the price of land shall be paid to the owner and exchange of building and crops shall not be paid until the final verdict of a competent court is issued.

**Chapter Six**

**Resettlement outside the Scope of Masterplan**

**Resettlement of Owners**

**Article Thirty Eight:**

1. Whenever in an area outside of the masterplan, due to implementation of one of the instances stated in article five of this law, the local residents collectively lose their residences, the Expropriating Authority shall, for the purpose of their resettlement, prior to implementation of the project, according to the provisions of this law, the law on Mines, the law on Electricity and all other relevant legislative documents, take necessary measures.
2. To achieve the objective stated in paragraph (1) of this article, the Resettlement Committee shall be created and composed as following:
3. Provincial Governor as Head of the Committee.
4. Representative of the Expropriating Authority as Deputy.
5. Representative of Arazi as member.
6. Representative of Ministry of Urban Development and Housing as member.
7. Representative of Ministry of Finance as member.
8. Representative of Ministry of Justice as member.
9. Representative of Ministry of Public Works as member.
10. Representative of Ministry of Mines and Petroleum as member.
11. Representative of National Environment Protection Authority as member.
12. Representative of relevant Municipality as member.
13. Representative of Afghanistan Independent Human Rights Commission as member.
14. Representative of owners as member.
15. Representative of affected persons as member.

**Duties and Responsibilities of the Resettlement Committee**

**Article Thirty Nine:**

1. The Resettlement Committee shall have the following responsibilities:
2. Determining and preparing list of owners of the expropriated properties who need resettlement.
3. Determining location of resettlement project.
4. Designing and preparing implementation plan of resettlement project.
5. Determining and preparing list of affected persons and arbitrary residents.
6. Differentiating and determining duties of each member of the committee.
7. Activities of the Resettlement Committee shall be regulated according to a procedure approved by that committee.

**Privileges in the Resettlement Project**

**Article Forty:**

The owner of the expropriated property, after receiving compensation, shall be eligible for receiving a residential plot in the resettlement project.

**Start of the Resettlement Project**

**Article Forty One:**

Implementation of the resettlement project shall be applied after determination and confirmation of owners of the expropriated properties who need to be resettled and affected persons by the Resettlement Committee, prior to implementation of the expropriation project or their transfer.

**Chapter Seven**

**Miscellaneous Provisions**

**Transfer of Expropriated Properties to the Arazi Office**

**Article Forty Two:**

Whenever the expropriated property, after implementation and conclusion of the project, is not used for the previously approved purpose by the Expropriating Authority; the Expropriating Authority shall hand over the expropriated property to the Municipality if located inside the scope of masterplan, and to the Arazi Office if located outside the scope of masterplan.

**Changes in Map and Plan**

**Article Forty Three:**

1. Whenever, due to changes in map and plan or another reason, the expropriated property is not used for the purpose of expropriation, the expropriated property shall be returned to the previous owner upon his/her request against the exactly paid compensation in form of a deal.
2. Whenever the former owner does not request for deal of the property, the expropriated property shall be transferred according to provision of article forty-two of this law.

**Prohibition of Using Expropriated Property for a Purpose other than Expropriated for**

**Article Forty Four:**

The Expropriating Authority shall not use expropriated property for a purpose other than it is expropriated for.

**Temporary Usage of a Person’s Property**

**Article Forty Five:**

1. Whenever a government institution needs properties of people for a period up to one year for the purpose of carrying out investigation and research activities, it may carry out the relevant affairs without expropriation against payment of just and fair rent.
2. Whenever a property has crops or trees which are damaged due to activities stated in paragraph (1) of this article, the loss incurred due to above activities shall be compensated in consideration to standards set forth in this law.

**Land Readjustment**

**Article Forty Six:**

Municipalities may for the purpose of planning unplanned areas use methods of land readjustment and its development, according to provisions of a separate regulation.

**Informing Arazi Office**

**Article Forty Seven:**

The Expropriating Authority shall, after expropriation of the property inform the relevant municipality if the property is located in the scope of masterplan, and to the Arazi Office if it is located outside the scope of masterplan, about the size of property, in full details, for the purpose of deduction of taxes and customs from the account of previous owner.

**Special Budget Code for Expropriation Projects**

**Article Forty Eight:**

The Ministry of Finance, in consideration of recommendation of government agencies having projects of expropriation, shall reflect a special code for expropriation projects in national budget.

**Assessment of Property related Conflicts**

**Article Forty Nine:**

1. The Arazi Office shall assess conflicts that arise during implementation of expropriation project regarding expropriated properties according to provisions of Law on Land Management Affairs.
2. Whenever the Arazi Office is not able to resolve a conflict; in this case, the issue shall be referred to justice and judicial organs.
3. Whenever a conflict is not resolved till the time of implementation of project, the Expropriating Authority shall according to the provisions of this law expropriate the property and deposit its compensation in a state owned bank.
4. The Expropriating Authority shall after the decision of the justice and judicial organs, pay the compensation of expropriated property stated in paragraph (3) of this article to the convicted person.

**No Division of Expropriated Property into pieces**

**Article Fifty:**

Division into pieces of an expropriated property and all other properties under approved urban plans, after receipt of announcement stated in article eight of this law for the purpose of transfer of property, shall not be permitted.

**Punishments**

**Article Fifty One:**

1. A person, who despite observing provisions of this law, deliberately prevents implementation of project work in expropriated land, shall be prosecuted according to the provisions of law.
2. A person, who wrongfully affects and enlists himself as affected person due to an action resulting from expropriation, without taking into consideration whether he/she was awarded compensation and other privileges, shall be prosecuted according to the provisions of law.
3. Whenever a government employee deliberately prevents compensation or determined award of expropriation or delays its payment beyond the specified time, he/she shall be prosecuted according to provisions of law.

**Recommendation of Regulations and enacting Procedures and Bills**

**Article Fifty Two:**

Municipalities and Arazi Office may, for better implementation of this law recommend regulations and enact procedures and bills.

**Enforcement**

**Article Fifty Three:**

This law shall enter in to force upon being endorsed, and upon entry into force of this law, the law on expropriation of land, published in official gazette NO (794), 1421 lunar year, and amendment of a part of articles of the law on expropriation of land, published in official gazette NO (849) 1384 solar year, and addition of paragraph (2) in amendment of article 13 of the law on expropriation of land, published in official gazette NO (1010) 1388 solar year, shall be repealed.