

Afghan Legal Glossary

**Collection of Legal and Technical Terms from Primary Afghan
Legal Sources**

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August 1, 2016

Preface

Afghanistan's legal system, derived from numerous sources like statutes, regulations, manuals, policies, and Islamic law, is intricate and diverse. Comprehensive English guides are limited, and understanding unique and technical terms can be difficult for non-native individuals. Even Afghan lawyers face challenges keeping pace with the vast array of information.

This document aims to bridge the knowledge gap by compiling technical and legal definitions within Afghanistan's laws, mainly from online English translations. This glossary offers clarity for researchers delving into Afghan law and serves as a foundation for in-depth exploration.

Be aware that many terms in the glossary apply to specific Afghan laws, and their meanings may vary based on context. To aid readers, each term links to the relevant Afghan law(s) for its definition. If a term has multiple meanings, definitions from each law are included. For the most accurate comprehension, consulting the original law in its native language is advised, as subtle differences may be lost in translation.

This glossary serves as a helpful resource for navigating Afghan law's complexities, with the aim of providing valuable insights and guidance for further research.

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Abandonment

As defined by the National Procurement Authority (NPA):

Surrendering of the claim to goods (and/ or a ship) so damaged during a voyage as to render them worthless to the owners who choose to abandon their rights and interest in these in favor of the underwriter and prefer their claims under the insurance cover. Abandonment is the basis for a claim to be preferred under a policy of marine insurance for “total construction loss.”

Source: <http://goo.gl/PtjQPF>

Abrogation of Guardianship Executorship and Trusteeship

As defined by Article 127 of the Penal Code:

Abrogation of guardianship, executorship, and trusteeship is the deprivation of a convict from exercising such authority over others, whether it is related to the soul or property.

Source: <http://goo.gl/X0Ywpj>

Absolute Assignment

As defined by Article 1718 of Civil Law:

Absolute assignment is the debtor unconditionally assigns the payment of the debt of his creditor to another person. Assignee shall pay it from the debt he owes to the assignor or from the debt he owes to him due to deposited or usurped property, or it should be in such a state that the assignor and assignee do not have any rights against each other.

See also: assignment of debt, limited assignment.

Source: <https://goo.gl/ZWdfP4>

Absolute Mozarebat

As defined by Article 1267(1) of Civil Law:

An absolute Mozarebat partnership is one that is not limited to time, place, and type of transaction, and seller and buyer are not determined therein.

See also: absolute mozarebat, limited mozarebat, mozareb

Source: <https://goo.gl/ZWDFP4>

**Absolute Partnership
of Capital and Labor**

As defined by the Ottoman Courts Manual:

A type of partnership where there is no limitation as to time or place, any particular type of commerce, or any particular vendor or purchaser. If there is any limitation with respect to any of these matters, the partnership is a limited partnership.

Source: <http://goo.gl/QGqmLX>

Abuse

As defined by Article 441 of the Penal Code:

Abuse is the attribution of something to someone, even if without reference to a certain incident, as a result of which the honor or standing of the person is hurt.

Source: <http://goo.gl/X0Ywpj>

**Acceptable Quality
Level (AQL)**

As defined by the National Procurement Authority (NPA):

System of material inspection based on statistical probability (sampling) theory - checking only a certain percentage of the lot delivered and accepting the lot if the number of defectives in the sample is less than or equal to the acceptable number.

Source: <http://goo.gl/PtjQPF>

**Acceptance of
Bid/Offer**

As defined by the National Procurement Authority (NPA):

The assent of the procuring entity to a bid/ an offer made by the bidder. A necessary element of a contract is the unqualified "acceptance" by the procuring entity of a bid/ an offer made by one bidder. If the procuring entity amends or adds elements of the bid/ offer previously received, this leads to a new offer from his side to the bidder to conclude a contract based on revised or changed terms and conditions.

Source: <http://goo.gl/PtjQPF>

Acceptance of Goods

As defined by the National Procurement Authority (NPA):

The procuring entity is said to have accepted the goods, works, or services supplied by the supplier when he does not reject them, in whole or part, for non-conformance to contract terms and conditions (e.g., quality, delivery schedule, etc.).

Source: <http://goo.gl/PtjQPF>

Acceptance of Order

As defined by the National Procurement Authority (NPA):

In case the contract is not based on any specific bid/ offer made by a bidder, this is the confirmation of the recipient and acceptance of the order to supply goods, works, or services ordered as stipulated in the order.

Source: <http://goo.gl/PtjQPF>

Acceptor for Honor

As defined by Negotiable Instrument Law:

A person who accepts a bill, under protest, for the honor of the drawer or of any one of the endorsers after the bill has been noted or protested for non-acceptance or for better security.

Source: <http://goo.gl/BqZ7gq>

Accident Insurance

As defined by Article 932 of the Commercial Code:

A contract upon which the insurance company undertakes to pay, in return for a specific fee, a designated capital or income in case of occurrence of an incidence, such as illness or an event affecting material interests and working and action or death of the insured due to an accident whose nature and kind have been defined or temporary or permanent disability of the insured.

Source: <https://goo.gl/A9f0U9>

Accommodation Party As defined by Negotiable Instrument Law:

A person that undertakes the payment is liable to pay the amount of the negotiable instrument.

Source: <http://goo.gl/BqZ7gq>

Accomplice As defined by Article 39 of the Penal Code:

A person is regarded as an accomplice in the following instances:

- (1) When he instigates a person to commit one of the acts comprising the crime, and the crime takes place as a result of this instigation.
- (2) When he enters into an agreement with another person to commit a crime, and the crime takes place as a result of this agreement.
- (3) When he knowingly assists the principal offender in any way with respect to equipment, facilitates, or supplementary works for committing the crime, and the crime takes place as a result of this assistance.

Source: <http://goo.gl/X0Ywpj>

Account As defined by the Law for Secured Transactions on Movable Property in Banking Transactions:

A monetary debt is not created based on a negotiable instrument, but the debtor is obliged to pay it.

Source: <http://goo.gl/Jh3FS7>

Account Debtor As defined by the Law for Secured Transactions on Movable Property in Banking Transactions:

A person who owes, or will owe, a monetary debt to another

person.

Source: <http://goo.gl/Jh3FS7>

Acquisition

As defined by the Decree on Distribution and Sale of State-Owned Land for Residential, Commercial, and High-Rise Buildings in Kabul City:

Receiving state-owned lands in accordance with the law.

Source: <http://goo.gl/AKUT9y>

Acquisition Cost

As defined by the National Procurement Authority (NPA):

The total sum of the procurement costs in order to obtain a contract.

Source: <http://goo.gl/PtjQPF>

Acquittal by Utilization

As defined by Article 950 of Civil Law:

Acquittal by utilization is when a creditor confesses receipt of his right.

See also: acquittal by waiving.

Source: <https://goo.gl/ZWDfP44>

Acquittal by Waiving

As defined by Article 950 of Civil Law:

Acquittal by waiving means that the creditor acquits his debtor of all or part of his right.

See also: acquittal by utilization.

Source: <https://goo.gl/ZWDfP4>

Acquitting Excuse

As defined by Article 142 of the Penal Code:

Acquitting excuses comprises the basis of restriction of

criminal responsibility and hinders the ordering of principal, consequential and complementary punishments.

See also: excuse, extenuating excuse.

Source: <http://goo.gl/X0Ywpj>

Actual Authority

When the principal grants an agent the power to conduct a particular transaction.

Actual Total Loss

As defined by the National Procurement Authority (NPA):

In the context of an insurance policy, a total loss may occur if:

- (1) The goods are completely destroyed.
- (2) The owner is irretrievably deprived of the ownership of goods.
- (3) Goods are transformed to such an extent that they can no longer be said to be the same as those insured.
- (4) The subject matter of the insurance, a carrier, or goods, is declared as “missing” by an accredited under-writing agency.

Source: <http://goo.gl/PtjQPF>

Administration

As defined by the Labor Law:

Ministries, State or non-State administrations, independent commissions, enterprises, private or mixed business, and international organizations [operating] in the Islamic Republic of Afghanistan in which Employees engage in production work or service.

Source: <http://goo.gl/w5zAeR>

Administrative Lead Time	<p>As defined by the National Procurement Authority (NPA):</p> <p>The time interval between the identification of the need to buy and the placing of the contract.</p> <p>Source: http://goo.gl/PtjQPF</p>
Administrative Review Committee	<p>As defined by Procurement Law:</p> <p>A Committee appointed in accordance with the provisions of this law for the purpose of considering any applications presented to it and conducting reviews.</p> <p>Source: http://goo.gl/4JjsGd</p> <p>As defined by the National Procurement Authority (NPA):</p> <p>A panel appointed by the Head of the PPU in accordance with the public procurement Law for the purpose of providing an administrative review of applications for review filed pursuant to the Law.</p> <p>Source: http://goo.gl/PtjQPF</p>
Administrator	<p>As defined by the Law of Banking in Afghanistan:</p> <p>Any person who is a member of the Board of Supervisors, the Management Board, or the Audit Committee of a bank, and for any office of a bank, “administrator” shall mean any officer of the bank assigned to work at that office.</p> <p>Source: http://goo.gl/6DeK6e</p>
Ad-Valorem Tax	<p>A tax is specified as a percentage of value. Sales, income, and property taxes are three of the more popular ad valorem taxes devised by governments.</p>

Advance Payment

As defined by the National Procurement Authority (NPA):

A payment to a supplier in case of a major infrastructure or an industrial project or a long-term arrangement, either to enable the supplier to procure materials for fabrication and to meet his other costs or in token of the sheer ability of the supplier to exert his selling power. In either case, such payments would always be as per the terms and conditions of the contract. Advance payments are to be distinguished from progress payments which are related to contract performance. Normally advance payments are secured by bonds/ guarantees for the same amount on behalf of the supplier.

Source: <http://goo.gl/PtjQPF>

Adverse Effect

As defined by the Islamic Republic of Afghanistan Environment Act:

Any actual or potential effect on the environment that may in the present or in the future harm the environment or human health or that may lead to an impairment of the ability of people and communities to provide for their health, safety, and cultural and economic well-being.

Source: <http://goo.gl/yuTChd>

Advice Note

As defined by the National Procurement Authority (NPA):

A communication sent by the supplier to the procuring entity informing him that the goods are ready for dispatch and await forwarding instructions (in case of ex-works contracts) or shipment instructions (in case of FOB contracts).

Source: <http://goo.gl/PtjQPF>

Advice of Shipment

As defined by the National Procurement Authority (NPA):

A notice informing the procuring entity that the goods have been shipped. The notice usually gives details of packing.

Source: <http://goo.gl/PtjQPF>

Advocate

As defined by Advocates Law of the Islamic Republic of Afghanistan:

A person who is included in the roster of practicing advocates and is entitled to defend and represent the rights of his client before a court of law or other authoritative tribunals or initiate judicial proceedings in accordance with the provisions of the law.

Source: <http://goo.gl/LvjPgj>

Affected Persons

As defined by the Islamic Republic of Afghanistan Environment Act:

Any natural or legal person who may be impacted positively or negatively by the implementation of a project, plan, policy, or activity.

Source: <http://goo.gl/yuTChd>

Affiliate

As defined by Law for Regulating Telecommunication Services:

Any person/party that is controlled by or controls another person/party or any two or more persons/parties that are controlled by the same person/party.

Source: <http://goo.gl/T1vM59>

Affreightment

As defined by the National Procurement Authority (NPA):

A contract for the carriage of goods by a carrier. Charter

parties and Bills of Lading are contracts of affreightment by ship.

Source: <http://goo.gl/PtjQPF>

Afghan Goods

As defined by Customs Law:

Goods:

- (1) Wholly obtained or produced in the customs territory of the State in accordance with the provisions of Article 29 of the Customs Law.
- (2) Imported from other countries, which have been released for free circulation in the customs territory of the State.
- (3) Obtained or produced in the customs territory of the State, either from goods referred to in subparagraph (2) alone or from goods referred to both in subparagraphs (1) and (2) above.

Source: <http://goo.gl/DLKZjK>

Afghan Sources

As defined by Afghanistan Income Tax Law:

The income is derived by residents of Afghanistan from sources within Afghanistan and from State properties outside Afghanistan.

Source: <http://goo.gl/AGtuLK>

Agency

As defined by Article 1554 of Civil Law:

A contract on the basis of which the client appoints another person as his successor in his legal and specific actions.

See also: limited agency.

Source: <https://goo.gl/ZWDFP4>

Agency Cost

Any cost associated with an agent's exercise of discretion over property owned by a principal.

Agent

As defined by the National Procurement Authority (NPA):

One appointed or authorized by another to act on his behalf. The latter is called the "principal." In commercial law, the agent is appointed to bring the principal into legal relationship with third parties.

Source: <http://goo.gl/PtjQPF>

Agent of a Trader

As defined by Article 85 of Commercial Code:

A person who engages in business, on behalf of a trader, in the business place of this trader, or in another place related to the commercial affairs of this trader.

Source: <https://goo.gl/A9f0U9>

Agreement

As defined by the National Procurement Authority (NPA):

An affirmation of mutual understanding or consent between two or more parties.

Source: <http://goo.gl/PtjQPF>

Agricultural Laborer

As defined by the Land Reform Law:

The person who is not the proprietor of the land, toils on the soil or has other specific duties on the land of the property owner in accordance with a previous legal agreement or local tradition against each wage or in kind.

Source: <http://goo.gl/w5zAeR>

Airline Services	<p>As defined by Afghanistan Income Tax Law:</p> <p>Passenger air services where the origin of the flight is in Afghanistan.</p> <p>Source: http://goo.gl/AGtuLK</p>
Ajiran	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Manual workers.</p> <p>Source: http://goo.gl/tyGsnb</p>
Al Masjid Al Haram	<p>As defined by the Banking Law:</p> <p>The sacred house of Allah.</p> <p>Source: http://goo.gl/4Mlpo1</p>
Alien Species	<p>As defined by the Islamic Republic of Afghanistan Environment Act:</p> <p>Species that do not occur naturally in Afghanistan.</p> <p>Source: http://goo.gl/yuTChd</p>
Alliance in Crime	<p>As defined by Article 49 of the Penal Code:</p> <p>The joining of two or more persons in committing a specific or an unspecified felony or misdemeanor, or joining in equipment, facilities, or supplementary works of the said crimes, provided that the alliance is regular and continuous, even if it has taken place at the formation stage of crime or for a short time.</p> <p>Source: http://goo.gl/X0Ywpj</p>
Allocation	<p>As defined by Law for Regulating Telecommunication</p>

Services:

The official designation of the radio frequency spectrum, which is reflected in the National Frequency Plan.

Source: <http://goo.gl/T1vM59>

All-or-None Bid

As defined by the National Procurement Authority (NPA):

A bid/ an offer submitted for a number of different goods or services in which the bidder stipulates that the bid/ offer is valid only if the contract is awarded for all items included in his bid/ offer.

Source: <http://goo.gl/PtjQPF>

Allotment Form

As defined by Public Finance and Expenditure Law:

An official form issued by the Ministry of Finance authorizing state administrations to make expenditures of the amount approved in accordance with appropriations.

Source: <http://goo.gl/IvtMtn>

Alteration

As defined by Negotiable Instrument Law:

An unauthorized change to an instrument.

Source: <http://goo.gl/BqZ7gq>

Analogue

As defined by Counter Narcotics Drug Law:

Any substance which is not included in any of the tables annexed to the Counter Narcotics Drug Law but whose chemical structure combination and whose psychotropic effects are similar to those of a substance included in the tables annexed to the Counter Narcotics Drug Law.

Source: <http://goo.gl/Jd1J6Z>

Analysis of Bids/Offers As defined by the National Procurement Authority (NPA):

The tabulation and evaluation of bids/ offers submitted by bidders and reducing these to a comparable basis so as to facilitate comparison and enable the procuring entity to select the best bid/ offer.

Source: <http://goo.gl/PtjQPF>

Annual Budget Procedures

As defined by Public Finance and Expenditure Law:

The document that contains all appropriations and sources of expenditures of the State for a fiscal year.

Source: <http://goo.gl/IvtMtn>

Annual Profit

As defined by Law on State-Owned Enterprises:

The difference between the sales price of products and services and their net value.

Source: <http://goo.gl/UOJtC2>

Another Mortgagee

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Another person who has also obtained the right to the mortgaged property.

Source: <http://goo.gl/zVsjuu>

Apparent Authority

When the agent does not have actual authority to conduct a transaction, but the actions of the principal lead a third party to the transaction to reasonably believe that the agent was

authorized.

**Appropriate
Technology**

As defined by the National Procurement Authority (NPA):

Technology deemed to meet specific requirements of, and operating conditions in, a particular country or location.

Source: <http://goo.gl/PtjQPF>

Appropriation

As defined by Public Finance and Expenditure Law:

The authority granted to the Ministry of Finance, in accordance with the annual budget procedures, for issuance of an allotment form.

Source: <http://goo.gl/IvtMtn>

Approximate

As defined by Article 686 of Commercial Code:

If the term “approximate” exists in a contract in case the object of sale includes all the goods loaded on the ship, ten percent more or less, and if it includes part of them, five percent more or less of the contract amount shall be payable.

Source: <https://goo.gl/A9f0U9>

Arbitration

As defined by Commercial Arbitration Law:

A binding proceeding whereby an arbitrator or arbitrators perform neutral services pursuant to a request by the parties or court in order to resolve disputes under contracts for economic or commercial transactions.

Source: <http://goo.gl/0HdeXc>

As defined by the National Procurement Authority (NPA):

A method of settling a dispute between the parties involved in

a contract by referring it to one or more neutral persons, selected by the parties, for a decision.

Source: <http://goo.gl/PtjQPF>

Arbitration Agreement As defined by Commercial Arbitration Law:

A written agreement between two parties as an article or otherwise for fully or partially transferring of a dispute arising from contract or otherwise to an arbitrator(s) or arbitrator tribunal.

Source: <http://goo.gl/0HdeXc>

Arbitration Award As defined by Commercial Arbitration Law:

A final decision taken by arbitrator(s), arbitral tribunal, or court to settle the dispute.

Source: <http://goo.gl/0HdeXc>

Arbitrator As defined by Commercial Arbitration Law:

A person who has the arbitration duty in commercial disputes.

Source: <http://goo.gl/0HdeXc>

Arrival Notice As defined by the National Procurement Authority (NPA):

An intimation sent by the carrier to the consignee advising of the arrival of shipment.

Source: <http://goo.gl/PtjQPF>

Artificial Deposit As defined by the Minerals Law:

Any concentration of minerals derived from storage of scraps,

tailings, or processing of stores of tailings which are economically feasible to be processed (scraps, old metals, scrap deposits and so forth).

Source: <http://goo.gl/9rJGcK>

Artisanal Exploitation As defined by the Minerals Law:

Any activity by means of which a person carries out extraction of minerals using traditional equipment and methods of processing at a depth not exceeding thirty meters.

Source: <http://goo.gl/9rJGcK>

Assessor As defined by the National Procurement Authority (NPA):

A person who is appointed or designated to estimate the value of goods for the purpose of apportioning the sum payable in the settlement of an insurance or any other claim.

Source: <http://goo.gl/PtjQPF>

Assignment As defined by Law for Regulating Telecommunication Services:

The right to use specific radio frequencies, officially granted by the Telecommunication Regulatory Authority to service providers or users.

Source: <http://goo.gl/T1vM59>

As defined by the National Procurement Authority (NPA):

Refers to transfer of a right on or a title to goods or know how to another party. For example, title to goods may be transferred by assignment on a Bill of Lading by the original consignee (referred to as the assignor), to another, the

assignee.

Source: <http://goo.gl/PtjQPF>

Assignment of Debt

As defined by Article 1716 of Civil Law:

Assignment of debt is transferring debt obligation from assignor to assignee and claiming debt against him.

See also: absolute assignment, limited assignment

Source: <https://goo.gl/ZWDfP4>

Associated and Non-Associated Minerals

As defined by the Minerals Law:

Other minerals or mineral substances that are obtained during the studies, exploitation, or process of the main minerals.

Source: <http://goo.gl/9rJGcK>

Associated Enterprise

As defined by the Banking Law:

A legal person in which another legal person holds a 20% participation.

Source: <http://goo.gl/6uuIUg>

Association

As defined by Article 403 of Civil Law:

A group of real and legal persons that is formed for a definite or indefinite period with the purpose of achieving charity, social public welfare, scientific, literary, technical, and artistic objectives in a non-profit form, according to provisions of this Law.

Source: <https://goo.gl/ZWDfP4>

Assurance

As defined by the National Procurement Authority (NPA):

A planned and systematic pattern of all actions necessary to provide adequate confidence that the product or services will perform satisfactorily. It may consist of the procuring entity satisfying himself that the system of quality control the supplier has instituted is satisfactory by examining or evaluating it, or the procuring entity or his agent undertaking inspection of the product in the process of production or at the pre-shipment or the post-shipment stage respectively monitors the implementation of the services by verifying results.

Source: <http://goo.gl/PtjQPF>

At Sight / On Presentment

As defined by Negotiable Instrument Law:

In a promissory note or bill of exchange, the expressions “at sight” and “on presentment” means on demand.

Source: <http://goo.gl/BqZ7gq>

Attendance Book

As defined by the Labor Law:

a document that determines the employees’ existence in the office during the official time. The human resource department is responsible to prepare, monitor and keep records of this document for financial purposes. The employees’ attendance book is assessed and certified by his/her immediate supervisor.

Source: <http://goo.gl/w5zAeR>

Authorization

As defined by the Minerals Law:

A permit granted by the Ministry of Mines under the provisions of this Law for quarry exploration, temporary quarry exploitation, permanent quarry exploitation, previously extracted tailings exploitation, exploitation, business, processing, transportation, or transformation of minerals.

Source: <http://goo.gl/9rJGcK>

Authorized Entity

As defined by the Minerals Law:

The Ministry of Mines, Inter-Ministerial Commission, and the Government.

Source: <http://goo.gl/9rJGcK>

Authorized Officer

As defined by Anti-Money Laundering and Proceeds of Crime Law:

A police officer, a customs officer, or an employee of financial intelligence unit.

Source: <http://goo.gl/6R7m5d>

Average General

As defined by the National Procurement Authority (NPA):

Partial loss deliberately incurred by a captain of a ship to prevent total loss and apportioned amongst interested parties in proportion to their interest in the saved property. For recognition as General Average, such loss must have been:

- (1) Incurred intentionally.
- (2) Should have been absolutely necessary for the preservation of the ship and some or all cargo; and,
- (3) Not as a result of negligence of any one of the interested parties.

Source: <http://goo.gl/PtjQPF>

Average Particular

As defined by the National Procurement Authority (NPA):

A partial loss, not deliberately incurred, through damage to ship and/ or cargo. Such a loss, unlike a general average loss, is borne by the owner of the ship or of goods or else by the insurance company if insured.

Source: <http://goo.gl/PtjQPF>

Award

As defined by the National Procurement Authority (NPA):

The action taken by the procuring entity, after examining and comparing the bids/ offers received, through which it: (1) selects the bid/ offer that is determined to be substantially responsive to the bidding documents and is the most advantageous (i.e., the best evaluated bid with respect to the evaluation grid set up); and (2) officially notifies the bidders of the decision as to the award of the contract. It is the most important stage of the procurement cycle, since it accomplishes its main objective, that is, selection of the bidder which is to carry out the works or services or provision of the goods that were the object of the procurement. In effect, the award completes the contract; the bid/ offer made by the bidder is accepted by the procuring entity in making the award.

Source: <http://goo.gl/PtjQPF>

Award Authority

As defined by Procurement Law:

The person with authority to award a contract or approve a contract modification concerning the procurement of goods, services or works, in accordance with Annex A of Procurement Law.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

A person with authority to award a contract or approve a contract modification concerning the procurement of goods, services or works, in accordance with the levels of authority set in the public Procurement Law.

Source: <http://goo.gl/PtjQPF>

Awqaf

As defined by Article 345 of Civil Law:

A government office that administers and supervises incomes and expenditures of endowment in accordance with essential conditions of endowment specified in its charter unless special laws have provided otherwise.

Source: <https://goo.gl/ZWDfP4>

Bad Faith

As defined by the Banking Law:

The will and desire of a person in emergence of a criminal act or violation of the law.

Source: <http://goo.gl/6uuIUg>

Bai Muajjal

As defined by the Banking Law:

A contract in which the seller undertakes to deliver to the buyer the goods against payment on a deferred basis.

Source: <http://goo.gl/6uuIUg>

Bai Salam

As defined by the Banking Law:

A contract in which the seller undertakes to deliver to the buyer the goods on a future date agreed on, against spot payment.

Source: <http://goo.gl/6uuIUg>

Bail

As defined by Article 1666 of Civil Law:

Attachment of obligation of bailman to obligation of principal in demanding delivery of person, debt, or property.

Source: <https://goo.gl/ZWDFP4>

Balance

As defined by Law on Debt Collection:

Cash and commodity that a person is obliged for payment according to Article 1 of this statute.

Source: <http://goo.gl/yx02bU>

Bank

As defined by the Banking Law of 2015:

The business of receiving money deposits or other repayable funds from the public and making credits for its own benefit and includes Islamic bank and conventional bank.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

A person engaging in the business of receiving money deposits or other repayable funds from the public for the purpose of making credits or investments for his own account.

Source: <http://goo.gl/6DeK6e>

Bank Holding Company

As defined by Law of Banking in Afghanistan:

A company that is regulated by the bank regulator of the country where it maintains its head office and that has one or more subsidiaries with banking licenses.

Source: <http://goo.gl/6DeK6e>

Bank Representative Office

As defined by the Banking Law:

A place of business forming a dependent part of a bank which is located separate from the head office of the bank, does not conduct banking activities, and the principal activities of which are to conduct market research, represent the bank, and protect its interests in foreign countries.

Source: <http://goo.gl/6uuIUg>

Banking Activities

As defined by Law of Banking in Afghanistan:

- (1) Receiving money deposits (in the form of demand deposits, time deposits or other types of deposit) or other repayable funds, bearing interest or not.
- (2) Extending credits (whether secured or not by collateral or liens), including without limitation: consumer and mortgage credit financing of commercial transactions, including (purchasing negotiable instruments at discount without recourse); factoring, with or without recourse; and financial leasing services.
- (3) Buying and selling for its own account or for account of customers (including underwriting and brokerage services): money market instruments (including checks, bills of exchange, promissory notes and certificates of deposit); foreign currencies, precious metals and precious stones; exchange and interest rate instruments; stocks and other securities; and forward contracts, swap agreements, futures, options, and other derivatives relating to currencies, stocks, bonds, precious metals or interest rates;
- (4) Entering into contingent commitments, including guarantees and letters of credit, for its own account and

for the account of customers.

- (5) Providing clearing, settlement and transfer services for money, securities, payment orders and payment instruments (including checks; credit, debit, and other payment cards; travelers' checks; and bank drafts, wire transfers, and preauthorized debits and credits).
- (6) Money brokering.
- (7) Safekeeping and administration of valuables, including securities.
- (8) Providing services as portfolio manager of securities or as financial adviser or as financial agent.
- (9) Providing financial information and credit reference services, including general economic and market information; and,
- (10) Anything that shall be incidental to the foregoing and such other activities, not prohibited by Article 34, as Da Afghanistan Bank may by regulation authorize as banking activities.

Source: <http://goo.gl/6DeK6e>

Banking Deposit Insurance Fund

As defined by the Banking Law:

An authority which operates for the purpose of market-based financial security growth, attracts trust of the public on banking system through insuring the secured deposits of depositors before the risk, and encourages banks for making efforts in implementing corporate governance and providing facilities in resolving issues of weak banks.

Source: <http://goo.gl/6uuIUg>

Banking Group

As defined by the Banking Law:

A group of companies engaged exclusively or mainly in banking or similar activities, as determined by Da Afghanistan Bank's regulations.

Source: <http://goo.gl/6uuIUg>

Banking License

As defined by the Banking Law of 2015:

A document, issued by Da Afghanistan Bank, allowing an eligible enterprise to establish a bank and conduct the banking activities.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

An indefinite authorization issued by Da Afghanistan Bank granting the right to a company to engage in the business of receiving money deposits or other repayable funds from the public and extending credits or investments for its own account.

Source: <http://goo.gl/6DeK6e>

Bankrupt

As defined by Article 847 of Civil Law:

A debtor who refuses to pay payable debts and it becomes clear that his debts exceed his property, there is fear of destruction of his property among creditors or debtor concealed his property or has reserved it under the name of another person.

Source: <https://goo.gl/ZWDfP4>

Barter

As defined by the National Procurement Authority (NPA):

Trade effected through exchanging one kind of goods for another, without involving money or any financial instrument of exchange.

Source: <http://goo.gl/PtjQPF>

As defined by Article 1171 of Civil Law:

Barter is sale of goods in exchange for goods.

Source: <https://goo.gl/ZWDfP4>

Basic Agreement

As defined by the National Procurement Authority (NPA):

An agreement between a procuring entity and a supplier setting down some of the contract clauses that shall be applicable to future procurements over a specified period of time (or till such time as either party seeks renegotiations or annulment of the agreement). Particular procurements are covered by the execution of a specific contract which incorporates, besides other relevant and agreed clauses, those already in the basic agreement. In the context of long-term contracting such basic agreements are sometimes referred to as frame contracts. Basic agreements are often used for recurrent provision of material or services for the same or similar purposes in order to secure a more economic procurement procedure.

Source: <http://goo.gl/PtjQPF>

Beneficial Owner

As defined by the Banking Law:

Natural person(s) who ultimately owns or controls a legal person or system.

Source: <http://goo.gl/6uuUg>

Beneficial Ownership

As defined by the Banking Law:

Direct ownership, indirect ownership, through one or more controlled enterprises, or the ability in fact to realize the benefits of share ownership in an enterprise, through any contract, agreement or understanding with another person, whether written or unwritten, formal or informal, with or without formal legal ownership of such shares, (including where shares are held by one or more trustees, legal representatives, agents, nominees, or other similar persons).

Source: <http://goo.gl/6uuIUg>

**Best Practicable
Environmental Option**

As defined by Islamic Republic of Afghanistan Environment Act:

The best method for preventing or minimizing adverse effects on the environment, having regard to, among other things:

- (1) The nature of the discharge and the sensitivity of the receiving environment to adverse effects.
- (2) The financial implications, and the effect on the environment, of that option when compared with other options.
- (3) The current state of technical knowledge and the likelihood that the option can be successfully applied.

Source: <http://goo.gl/yuTChd>

Bid

As defined by the National Procurement Authority (NPA):

A tender/ an offer, proposal or price quotation given by a bidder, in response to an invitation or request for the provision of goods, works or services.

Source: <http://goo.gl/PtjQPF>

Bid Deposit

As defined by the National Procurement Authority (NPA):

A specified sum of money which a bidder is asked to deposit with the procuring entity as a guarantee that the bidder will, if selected, sign the contract as per his bid/ offer. A bidder who fails to sign the contract forfeits the amount of the deposit.

Source: <http://goo.gl/PtjQPF>

Bid Evaluation

As defined by the National Procurement Authority (NPA):

Analysis of all bids/ offers received by the procuring entity to appraise and assess the most advantageous and competitive bid/ offer.

Source: <http://goo.gl/PtjQPF>

Bid Form

As defined by the National Procurement Authority (NPA):

A letter signed by the bidder (seller) confirming that he will maintain his offer prices valid for a described period of time and in case that he is awarded the contract that he will conform to the conditions of the bidding documents. A model bid form is usually provided with the bidding documents.

Source: <http://goo.gl/PtjQPF>

Bid Opening

As defined by the National Procurement Authority (NPA):

In procurement through competitive bids/ offers the opening and reading of bids/ offers, conducted at the time and place specified in the bidding documents, and in the presence of anyone who wishes to attend and is allowed to do so according to the provisions of the Public Procurement Law.

Source: <http://goo.gl/PtjQPF>

Bidder

As defined by the National Procurement Authority (NPA):

A person who may participate in a procurement proceeding for purposes of submitting a bid.

Source: <http://goo.gl/PtjQPF>

Bidding

As defined by the National Procurement Authority (NPA):

Any formal and competitive procurement procedure through which bids/ offers are requested, received, and evaluated for the procurement of goods, works, and services, and as a consequence of which an award is made to the bidder who presented the lowest evaluated bid/ offer.

Source: <http://goo.gl/PtjQPF>

**Bidding Documents
(Shartnama)**

As defined by Procurement Law:

The documents in tender proceedings that describe the procurement and the conditions and procedures for submitting a bid.

Source: <http://goo.gl/4JjsGd>

Bill of Entry

As defined by the National Procurement Authority (NPA):

A detailed form or statement filled by an importer giving information on the nature and value of goods being imported for submission to the customs authorities before goods are cleared for entry into the country.

Source: <http://goo.gl/PtjQPF>

Bill of Exchange

As defined by Negotiable Instrument Law:

An instrument containing an unconditional order, signed by the maker, directing a certain person to pay on demand or at a fixed or determinable future time, a certain sum of money, only to, or to the order of, a certain person or to the bearer of the instrument.

Source: <http://goo.gl/BqZ7gq>

As defined by the National Procurement Authority (NPA):

An unconditional order in writing addressed by one person or company to another, signed by the one giving it, requiring the person or company to whom it is addressed to pay, on demand or at a fixed or determinable future time a certain sum in money to order or to bearer.

Source: <http://goo.gl/PtjQPF>

Bill of Lading (BOL)

As defined by the National Procurement Authority (NPA):

A document which is an acknowledgement and a receipt, issued by a master of the ship as agent of the owner, for cargo received on board for shipment. Although not a contract of carriage in itself it serves as evidence of the same. Salient points incorporated in a bill of lading are:

- (1) The name of the shipper.
- (2) Ship's name.
- (3) Full description of cargo (unless it is bulk cargo) including markings, packing numbers, etc.; and,
- (4) Port of embarkation and of destination.

A bill of lading is prepared in sets, usually of three originals. The master of the ship retains one copy, another by the shipper (forwarding agent) and the third is sent to the consignee enabling him to take delivery on arrival of goods.

Source: <http://goo.gl/PtjQPF>

Bill of Quantities

As defined by the National Procurement Authority (NPA):

A description and a quantitative estimate of all materials, and/or other supplies which will be required for a proposed construction project or production of equipment (usually custom designed). Contracts are sometimes concluded on the basis of actual costs and an agreed margin when the procuring entity may seek a bill of quantity to estimate the likely cost before concluding the contract and later to make final payments when the project is completed, and quantities could be exactly measured or counted when taking over works or goods.

Source: <http://goo.gl/PtjQPF>

Biological Diversity

As defined by Islamic Republic of Afghanistan Environment Act:

The variability among living organisms from all sources including terrestrial and aquatic ecosystems and the ecological complexes of which they are a part, which includes diversity within species and between plants, trees and living organisms within ecosystems.

Source: <http://goo.gl/yuTChd>

Bituminous Sand or Clay

As defined by the Minerals Law:

Sand, clay, or other rock material containing naturally occurring hydrocarbons that have a viscosity determined under

the same conditions equal to or less than 12 degrees API.

Source: <http://goo.gl/9rJGcK>

Blank Endorsement

As defined by Article 561 of Commercial Code:

If an endorser just signs, without mentioning the bearer, the endorsement is valid.

Source: <https://goo.gl/A9f0U9>

Blanket Order

As defined by the National Procurement Authority (NPA):

Sometimes referred to as a "master contract" for reducing the need to enter into fresh contracts for a number of orders. It provides for the procuring entity to make supplies over a certain period of time and at predetermined prices on the basis of a formula for revising prices.

Source: <http://goo.gl/PtjQPF>

Blueprint

As defined by the National Procurement Authority (NPA):

Detailed design and specifications, indicated by a drawing, of the required product.

Source: <http://goo.gl/PtjQPF>

Bonded Warehouse

As defined by the National Procurement Authority (NPA):

Place owned by persons approved by an appropriate government authority and who have given guarantees or bonds for the strict observance of revenue and/ or import control laws. Such warehouses are used for the storage and custody of import merchandise, till customs are satisfied that the goods have been imported with the permission of the relevant government authority (e.g., are covered by a proper import license) and/ or the duties are paid, or the goods are being

reshipped without entry. In many developing countries with strict import regulations in force, security and supervision over movements is provided by government.

Source: <http://goo.gl/PtjQPF>

Branch Office

As defined by Law of Banking in Afghanistan:

A place of business forming a legally dependent part of a bank where all or some banking activities are conducted; for the purposes of this Decree Law, all domestic branch offices of a non-resident bank shall be treated as a single branch office: all communications from Da Afghanistan Bank to any such branch office may be validly made to the branch office notified by the non-resident bank to Da Afghanistan Bank or failing such notification to a branch office selected by Da Afghanistan Bank.

Source: <http://goo.gl/6DeK6e>

Brand Name

As defined by the National Procurement Authority (NPA):

A name or trademark normally registered by which one producer distinguishes his product from those of similar products by other producers in the same industry. A brand name identifies both the product and the producer of the product.

Source: <http://goo.gl/PtjQPF>

As defined by the National Procurement Authority (NPA):

A requisition by the user which indicates that his need will be met by a particular (named) brand or products of other producers which have the same physical, chemical, metallurgical and/ or other characteristics and will be able to satisfy the required need as effectively and efficiently. In

bidding documents, the same phrase is used to describe the product requirement precisely so that prospective bidders know that their goods have to be similar in all respects to the named brand product. The purchaser can and often does require proof of equivalence. This is done to increase competition so that the producer of the particular brand does not exploit his monopoly position.

Source: <http://goo.gl/PtjQPF>

Breach of Contract

As defined by the National Procurement Authority (NPA):

A failure of the supplier or the procuring entity without a legally acceptable defensible excuse to carry out his part of the duties and obligations as implied by the terms and conditions of a contract.

Source: <http://goo.gl/PtjQPF>

When one party fails to fulfill his obligation under a contract, this constitutes a breach of the contract, for which the law offers a remedy.

Breach of Trust

As defined by Article 466(1) of Penal Code:

A breach of trust occurs when a person who has moveable goods of another under custody and misuses the goods for his own or someone else's benefit or acquires possession of the goods contrary to provisions of law and contrary to the purposes for which the goods were given to him.

Source: <http://goo.gl/X0Ywpj>

Breeder Seed

As defined by Seed Law:

The earliest generation seed, which is produced under direct control of the breeder or breeding station and is used for the production of foundation seed.

Source: <http://goo.gl/BG5xjf>

Bribe

As defined by Counter Narcotics Drug Law:

Corruptly giving, offering, or promising anything of value to any person or entity, directly or indirectly, with the purpose of:

- (1) Influencing an official act.
- (2) Influencing a public official to commit or omit any act in violation of his lawful duty; or,
- (3) Influencing witnesses, detection, investigation, or trial proceedings.
- (4) Compelling any witness to be absent from any legal or court proceedings.
- (5) Influencing any agency, commission, or officer authorized by the law to hear and record the testimony of witnesses.

Source: <http://goo.gl/Jd1J6Z>

Bribe Taker

As defined by Article 254 of Penal Code:

Any official of public services who, for the purpose of performance of or abstention from or disruption of a duty which is assigned to him requests in his own or someone else's name any money, good or other benefit, or receives a promise or accepts a gift to this and shall be considered a bribe taker.

Source: <http://goo.gl/X0Ywpj>

Briber

As defined by Article 257 of Penal Code:

A person who forces an official of public services through moral or material pressure to do an unrightfully work or hinders the performance of his job obligations or disrupts it, shall be considered as briber, and shall be sentenced to its fixed punishment.

Source: <http://goo.gl/X0Ywpj>

Broadcasting

As defined by Law for Regulating Telecommunication Services:

The emission and dissemination of unidirectional radio or television waves that does not include a return path to the service provider or broadcasting party.

Source: <http://goo.gl/T1vM59>

Brokers

As defined by Article 99 of Commercial Code:

Persons who are not, by agreement, special hireling of any of the parties and, in concluding current commercial agreement, they just mediate between parties thereto, in return for a fee, and by means of this they choose facilitation of conclusion of commercial transactions as their profession.

Source: <https://goo.gl/A9f0U9>

Budget Committee

As defined by Public Finance and Expenditure Law:

A committee to assess and review the budget of the fiscal year chaired by the Minister of Finance and comprised of Minister of Economy, Minister of Foreign Affairs, and one other person appointed by the president.

Source: <http://goo.gl/IvtMtn>

Buffer Stock

As defined by the National Procurement Authority (NPA):

A certain quantity of a material held in stock to meet any unforeseen supply delays or disruptions of scheduled

deliveries, increase in prices and/ or unexpected up-surge in demand.

Source: <http://goo.gl/PtjQPF>

Bulk Buying

As defined by the National Procurement Authority (NPA):

System of aggregating total requirements (generally of all users) of a product or service for a single purchase order or a series of orders for large quantities which would not have been possible if demand was met on a fragmented basis. Bulk buying may be advantageous for getting favorable terms from bidders as well as in effecting other economies.

Source: <http://goo.gl/PtjQPF>

Business Transaction

As defined by Commercial Arbitration Law:

All commercial and economic natures and based on contract or otherwise.

Source: <http://goo.gl/0HdeXc>

Buy Back

As defined by the National Procurement Authority (NPA):

A counter-trade arrangement whereby a supplier of plant, equipment and/ or technology agrees to accept part or full payment for supplies, in terms of the goods to be produced with the help of these facilities. It is also referred to as “compensation trade.”

Source: <http://goo.gl/PtjQPF>

Buyer's Market

As defined by the National Procurement Authority (NPA):

A "buyer's market" is said to exist when supply exceeds demand so that goods can easily be secured and when the

procuring entity can exert some pressure on prices and acquire economies in purchase.

Source: <http://goo.gl/PtjQPF>

Buyer's Option

As defined by the National Procurement Authority (NPA):

The right of a procuring entity to modify within a specified period of time any one or more of the terms of contract as agreed in advance (e.g., to increase or decrease the quantity indicated in a purchase contract by a specified percentage). Buyer's option may be open on other terms and conditions in the contract, if so provided (e.g., port of discharge, delivery lot size or time, etc.).

Source: <http://goo.gl/PtjQPF>

Cadastral Survey Map

As defined by the Minerals Law:

The specific topographical map indicating the limits of each perimeter in force or whose application is being processed, prepared for each province and zone by the Mining Cadastre Department pursuant to the provisions of the Minerals Law.

Source: <http://goo.gl/9rJGcK>

Candidate

As defined by the National Procurement Authority (NPA):

A physical or legal person invited to take part in public procurement or seeking to be so invited.

Source: <http://goo.gl/PtjQPF>

Capacity

The legal power for an individual to enter into an enforceable contract. Capable Parties The law only recognizes enforceable contracts between parties who have the capacity to understand the implications of their actions.

Capital

As defined by Article 1263 of Civil Law:

Capital must be in cash and designated and be given delivery to performer. Debt for which person is liable may not be considered as capital.

Source: <https://goo.gl/ZWDFP4>

Capital Assets

As defined by Law on Private Investment in Afghanistan:

All available capital and assets whether movable or immovable, including, without limitation, equipment, and machinery.

Source: <http://goo.gl/NQhQgY>

Capital Distribution

As defined by the Banking Law:

Any payment of a dividend or any other distribution of money or other property by an enterprise to its owners made on account of that ownership. The term does not include a stock dividend or rights to purchase shares.

Source: <http://goo.gl/6uuIUg>

Carriage and Insurance Paid to (CIP)

As defined by the National Procurement Authority (NPA):

The supplier has the same obligations as under CPT but with the addition that the supplier has to procure cargo insurance against the procuring entity's risk of loss of or damage to the goods during the carriage. The supplier contracts for insurance and pays the insurance premium. The procuring entity should note that under the CIP term the supplier is only required to obtain insurance on minimum coverage. The CIP term requires the supplier to clear the goods for export. This term may be used for any mode of transport including multimodal transport.

Source: <http://goo.gl/PtjQPF>

Carrier

As defined by the National Procurement Authority (NPA):

A person or a firm who contracts to carry goods by any method of transport.

Source: <http://goo.gl/PtjQPF>

Cartel

As defined by the National Procurement Authority (NPA):

An organization or group of organizations which colludes to determine the quantities and/ or prices of goods or services to be provided by each of its members.

Source: <http://goo.gl/PtjQPF>

Cash Against Documents (CAD)

As defined by the National Procurement Authority (NPA):

The documents which will enable a consignee to get delivery of his goods (such as a bill of lading) are handed over to him only when he has paid for the goods. In international trade, when the contract stipulates that payment be made before goods are released, the commercial practice is to send the bill of lading and/ or other documents to a bank (located in the consignee's country) with instructions to release the documents only when payment has been made.

Source: <http://goo.gl/PtjQPF>

Cash Discount

As defined by the National Procurement Authority (NPA):

Reduction, usually expressed as a percentage, of the price of a product, or to the amount of a bill, if payment is made in cash or promptly or within a specified period of time.

Source: <http://goo.gl/PtjQPF>

Cash on Delivery (COD)

As defined by the National Procurement Authority (NPA):

The expression stipulates that payment is to be made before delivery of goods. In other words, the carrier will not release goods unless there is evidence that payment has been affected or else the payment is made to the carrier at the time of delivery (e.g., to the post office when collecting the consignment).

Source: <http://goo.gl/PtjQPF>

Cash Punishment

As defined by Article 104 of Penal Code:

Cash punishment is the obliging of a convicted person to pay an amount of money, to which he has been ordered, to the State treasury.

Source: <http://goo.gl/X0Ywpj>

Cash with Order

As defined by the National Procurement Authority (NPA):

Refers to a purchase agreement which requires that payment be remitted along with procuring entity order (100% advance payment). Very often the advance payment is secured by a bond.

Source: <http://goo.gl/PtjQPF>

Cause of Contract

As defined by Article 591 of Civil Law:

The principal objective for attainment of which contract is a legitimate instrument.

Source: <https://goo.gl/ZWdfP4>

Central Bank

As defined by Da Afghanistan Bank Law of Afghanistan:

- (1) Da Afghanistan Bank is the central bank of Afghanistan.
- (2) Da Afghanistan Bank is a juridical person with full capacity under the law of Afghanistan, and, in particular, the capacity to contract, to acquire and to dispose of movable and immovable property, to issue its own securities and otherwise to borrow, and to be a party to legal proceedings.

Source: <http://goo.gl/wlXQGa>

Central Registry

As defined by Commercial Arbitration Law:

An authority office in which all documents related to arbitration are registered and maintained.

Source: <http://goo.gl/0HdeXc>

Centralized Judicial Systems

A judicial system in which the power of judicial review for matters of constitutional interpretation is vested in a single constitutional court that is outside of the ordinary court system. The ordinary court system adjudicates all matters not under the jurisdiction of the constitutional court and is under the authority of its own high court.

Certificate of Compliance

As defined by the National Procurement Authority (NPA):

Supplier's written certification that goods being supplied are in conformity with those specified in the contract.

Source: <http://goo.gl/PtjQPF>

Certificate of Conformity

As defined by the National Procurement Authority (NPA):

A document attesting that a product or a service is in conformity with specific standards or technical specifications.

Source: <http://goo.gl/PtjQPF>

Certificate of Damage

As defined by the National Procurement Authority (NPA):

A printed document issued by dock companies in regard to goods found to be in a damaged condition on being unloaded from a ship.

Source: <http://goo.gl/PtjQPF>

Certificate of Inspection

As defined by the National Procurement Authority (NPA):

A testimony on the findings of an authorized inspection agency on the quality of the goods based on the specification laid down in the respective contract document.

Source: <http://goo.gl/PtjQPF>

Certificate of Origin

As defined by the National Procurement Authority (NPA):

A document indicating the country of origin of goods being imported. It is usually issued by exporting countries, official authorities or by other agencies (e.g., chambers of commerce) designated by the governments.

Source: <http://goo.gl/PtjQPF>

Certificate of Quality

As defined by the National Procurement Authority (NPA):

A certificate issued by a supplier to the effect that the goods being supplied conform to the quality specifications agreed to in the contract. The certificate forms part of the invoice and other documents sent by the supplier to the procuring entity.

Source: <http://goo.gl/PtjQPF>

Certification Body	<p>As defined by the National Procurement Authority (NPA):</p> <p>An independent and impartial body, governmental or non-governmental, possessing the necessary competence and reliability to operate a certification system, and in which the interests of all parties concerned with the functioning of the system are represented.</p> <p>Source: http://goo.gl/PtjQPF</p>
Certified Seed	<p>As defined by Seed Law:</p> <p>Seed that is produced from foundation or registered seed and fulfils all established requirements for such seed.</p> <p>Source: http://goo.gl/BG5xjf</p>
Certified Seed Grower	<p>As defined by Seed Law:</p> <p>A person who has been issued a license under Article 21(a) of Seed Law.</p> <p>Source: http://goo.gl/BG5xjf</p>
Certifiers	<p>As defined by Law of Land Survey, Verification and Registration:</p> <p>Two persons who are neighboring property owners, representative of the village or the precinct, a civil servant of Amlak (Property Department), or a professional civil servant of agriculture.</p> <p>Source: http://goo.gl/6s9Nsp</p>
Change Order	<p>As defined by the National Procurement Authority (NPA):</p> <p>A written request by the procuring entity or the supplier</p>

indicating changes in his requirements compared to those specified in the contract. May involve renegotiation of the contract except when the contract contains a change clause that provides for options in regard to scope of work, quantity or quality of goods or delivery schedule.

Source: <http://goo.gl/PtjQPF>

Characteristics

As defined by the National Procurement Authority (NPA):

A performance quality characteristic of a material or product as to its physical, chemical, or metallurgical property or performance index that is measurable or at least observable.

Source: <http://goo.gl/PtjQPF>

Charge Holder

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A person in whose favor a securing charge is created to secure the debt.

Source: <http://goo.gl/Jh3FS7>

Chargor

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A person who owns collateral and, in most cases, owes the debt subject to securing charge. When owner of the collateral and debtor are different persons, the term chargor means the owner of collateral and debtor means the one owing the debt.

Source: <http://goo.gl/Jh3FS7>

Chargor's Location

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A chargor's principal place of business or his residence if there is no place of business. A corporation is located where it was incorporated.

Source: <http://goo.gl/Jh3FS7>

Charity Association

As defined by Article 451 of Civil Law:

An association that is established for charitable purposes or social welfare in order to be used by members of association or other persons.

Source: <https://goo.gl/ZWDfP4>

Charter

As defined by the National Procurement Authority (NPA):

The mercantile lease of hire of a carrier such as vessel, aircraft, etc., for carriage of cargo on terms and conditions specified in an agreement (called charter-party when an ocean-going vessel is involved).

Source: <http://goo.gl/PtjQPF>

Charter Party

As defined by the National Procurement Authority (NPA):

A written contract whereby a ship owner agrees to hire his ship (or aircraft) to a charterer (the hirer) for payment of an agreed sum of money. The charterer may enter into such a contract: (a) either to transport all or a part of his cargo from one specified port to another (voyage charter); or (b) the ship and the crew for a definite period, or (c) the ship, without the crew, for a definite period (bare boat charter).

Source: <http://goo.gl/PtjQPF>

Charteree

As defined by the National Procurement Authority (NPA):

One who leases a ship or a part of its cargo space for

transporting goods. The charterer may himself be the owner of the goods or he may be an intermediary, a broker between the ship-owner and the owner of the cargo.

Source: <http://goo.gl/PtjQPF>

Chief of Family

As defined by the Land Reform Law:

The person who is responsible for providing livelihood for the members of his family.

Source: <http://goo.gl/MgM2b7>

CIF Sale

As defined by Article 668 of Commercial Code:

A sale concluded subject to the delivery of goods to the ship, in addition to fees of the insurance and freight.

Source: <https://goo.gl/A9f0U9>

Circulars

As defined by the National Procurement Authority (NPA):

Circulars or guidelines issued by the PPU under the provisions of article 95 (2) of the Law.

Source: <http://goo.gl/PtjQPF>

Civil Servant Employee

As defined by Civil Servant Law of Afghanistan:

A person appointed by the government to perform its executive and administrative duties based on the provisions in law. The ranks and grades of civil servants will be regulated according to the relevant legal document.

Source: <http://goo.gl/Exfg36>

Claim of Invalid Use

As defined by Articles 834 - 835 of Civil Law:

If creditor's right is payable and debtor takes an action on it that inflicts harm on creditor, in a way that reduces rights of debtor or increases his obligations in a way that results in debtor's bankruptcy or increase of his bankruptcy, creditor may claim invalidation of such action with due consideration of the following conditions:

- (1) Debtor's reciprocal action shall be invalid for creditor if the mentioned action entails debtor's fraud, and the other party has knowledge of it. Debtor's action shall entail fraud if debtor has knowledge of his bankruptcy at the time action.
- (2) Knowledge of the other party of debtor's bankruptcy shall be considered adequate to show his knowledge of fraud. Debtor's pro bono action for creditor shall not be considered valid, even though the other party has good faith and debtor has not committed fraud.
- (3) If successor, to whom debtor transferred property, transfers property to another successor in exchange for consideration, creditor may not resort to invalidation of action, unless the second successor has, during debtor's transaction with the first successor, knowledge of debtor's fraud in the reciprocal contract or has knowledge of his bankruptcy in bare contract.

Source: <https://goo.gl/ZWDfP4>

Classification Clause As defined by the National Procurement Authority (NPA):

A clause in a cargo insurance contract which lays down the minimum class of vessel required to carry the insured goods. Use of a vessel below the specified class entails additional premium towards insurance.

Source: <http://goo.gl/PtjQPF>

Clean Bill of Lading As defined by the National Procurement Authority (NPA):

A bill of lading which does not carry any remarks as to

indicate that goods received were not in apparent good order and condition. If the goods or packages are damaged or defective the master of the ship will put an endorsement to this effect on the bill of lading.

Source: <http://goo.gl/PtjQPF>

Clearance of Goods

As defined by the National Procurement Authority (NPA):

The procedures involved in clearing the goods received from abroad through customs.

Source: <http://goo.gl/PtjQPF>

Clinical Waste

As defined by Islamic Republic of Afghanistan Environment Act:

Any waste produced by hospitals, clinics, nursing homes, doctor's offices, medical laboratories, medical research facilities and veterinarians which is infectious or potentially infectious.

Source: <http://goo.gl/yuTChd>

Close Links

As defined by the Banking Law:

A situation in which two or more persons are linked through a 20% participation or control relationship.

Source: <http://goo.gl/6uuIUg>

Close Relative

As defined by the Banking Law:

Includes parents, spouse, son, daughter, sister, brother, and other relatives of a person, up to the second degree.

Source: <http://goo.gl/6uuIUg>

Closure of Place

As defined by Article 133 of Penal Code:

In crimes, where the law in its punishments has anticipated the closure of place of commitment, the court can sentence the accused, in addition to the anticipated punishments, to closure of the place used for committing the crime. Duration of such closure cannot be less than one month nor more than one year.

Source: <http://goo.gl/X0Ywpj>

Coercive Practice

As defined by the National Procurement Authority (NPA):

Harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the procurement process or affect the execution of a contract.

Source: <http://goo.gl/PtjQPF>

Collateral

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Movable property charged to secure debt. Collateral may be located within or outside Afghanistan and may include proceeds collateral.

Source: <http://goo.gl/Jh3FS7>

Collectible Balance (Debts)

As defined by Law on Debt Collection:

Legally it is payable if the payment is a kind of tax, outcome, and lease while the legal term has been completed and if it is salary or expenses.

Source: <http://goo.gl/yx02bU>

Collective Agreement

As defined by the Labor Code of the Democratic Republic of Afghanistan:

An agreement between the staff collectively and the office in connection with the adjustment of salaries and obligations of the parties within the limits set by the Labor Code.

Source: <http://goo.gl/w5zAeR>

Collective Farm

As defined by the Land Reform Law:

The land distributed to deserving persons in a specific agricultural unit on collective basis.

Source: <http://goo.gl/MgM2b7>

Collective Liability

As defined by Article 4 of Commercial Code:

If two or more persons commonly undertake an obligation, as a part of a transaction which may be of commercial nature for one or all of them, to a third party, unless otherwise specified in the agreement, are considered collectively liable.

Source: <https://goo.gl/A9f0U9>

Collusive Bids/Offers

As defined by the National Procurement Authority (NPA):

Bids/ offers by two or more bidders who have joined together to circumvent the intention of the procuring entity to secure competitiveness by submitting bids/ offers the terms and conditions of which are decided (and are therefore known to each) jointly even when these are submitted separately.

Source: <http://goo.gl/PtjQPF>

Collusive Practice

As defined by the National Procurement Authority (NPA):

a scheme or arrangement between two or more bidders, with or without the knowledge of the Purchaser, designed to establish bid prices at artificial, non-competitive levels.

Source: <http://goo.gl/PtjQPF>

Comingled Goods

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Goods that are physically united with other goods in such a manner that their identity is lost in a product.

Source: <http://goo.gl/Jh3FS7>

Commerce

The broad set of legal rules that governs commercial and business relations in a country, including contracts, company formation and dissolution, property purchase and sale, bank transactions, loan and guarantee matters, tax matters, as well as dispute resolution.

Commercial Capacity

As defined by Article 4 of Commercial Code:

Any individual who has attained the age of eighteen and has no legal impediment to his legal actions in terms of personality and kind of business may engage in commercial activities.

Source: <https://goo.gl/A9f0U9>

Commercial Companies

As defined by Article 116 of Commercial Code:

Commercial companies are partnerships of persons which are created with the purpose of carrying out commercial transactions in one or several subjects.

See also: general partnership, limited partnership, limited liability company, joint stock company, and cooperate company.

Source: <https://goo.gl/A9f0U9>

Commercial Discovery

As defined by the Law of Petroleum and Gas (Hydrocarbons):

Discovery of petroleum and gas which, as determined in accordance with the provisions of the relevant contract, can be exploited commercially in accordance with the practices accepted in international petroleum and gas industry.

Source: <http://goo.gl/thT5go>

Commercial Loan

As defined by Article 688 of Commercial Code:

A loan that was borrowed for the purpose of spending on commercial affairs.

Source: <https://goo.gl/A9f0U9>

Commercial Mortgage

As defined by Article 697 of Commercial Code:

A mortgage made for commercial purposes.

Source: <https://goo.gl/A9f0U9>

Commercial Policy Measures

As defined by Customs Law:

The imposition of quotas, ceilings, countervailing duties on subsidized foreign goods, anti-dumping duties, or other similar provisions for advancing national (keshwar) commercial interests.

Source: <http://goo.gl/DLKZjK>

Commercial Seed

As defined by Seed Law:

Any seed lot affixed with a non-certification tag bearing downgraded status.

Source: <http://goo.gl/BG5xjf>

Commission Agent

As defined by Article 782 of Commercial Code:

A person who concludes commercial transactions in his own

name and on the account of the owner of the transaction (principal) in exchange for a fee, as his usual profession.

See also: transportation commission agent, commission contract

Source: <https://goo.gl/A9f0U9>

Commission Contract As defined by Article 782 of Commercial Code:

The contract concluded between the principal and the commission agent.

Source: <https://goo.gl/A9f0U9>

Commodity Exchange As defined by the National Procurement Authority (NPA):

Specialized markets in which titles to ownership of commodities are freely traded. Physical exchange of commodities in general does not take place, although samples of these may be examined. Many of the well-organized exchanges now provide for both spot as well as futures trading. Bids/ offers for these commodities might not show prices but only the percentage of the surplus asked for by the bidders on top of the market price fixed on the day the contract comes into effect.

Source: <http://goo.gl/PtjQPF>

Common Ownership As defined by Article 1935 of Civil Law:

If ownership of a property is common among two or more people, each of them shall have the right to use it proportionate to his share and may take such action on it that does not cause harm to the other co-owner. Also, if the amount of common ownership is specified, its sale and utilization, while it is still common, shall be permissible and its use shall also be permissible, provided that it does not inflict harm on rights of other co-owners.

Source: <https://goo.gl/ZWDFP4>

Common-Use Items As defined by the National Procurement Authority (NPA):

Material that is often used by a number of users and fulfils certain standards set up. The term is generally used in the context of government procurement of such items as stationery, vehicles, typewriters, and other office equipment, machines, or accessories.

Source: <http://goo.gl/PtjQPF>

Compatibility As defined by the National Procurement Authority (NPA):

The suitability of products or systems to be used together under specified conditions to fulfil the relevant requirements without causing unacceptable interactions.

Source: <http://goo.gl/PtjQPF>

Compensation of Loss As defined by Insurance Law:

Pertains to the cash amount or the equivalent thereof, which is paid to the insured upon occurrence of insurable event and ascertainment of the loss.

Source: <http://goo.gl/czjs6F>

Competitive Bidding As defined by the National Procurement Authority (NPA):

If responsive bids were received by the procuring entity in response to an invitation to bid in cases of open tender (open to everyone) or restricted tender (open to a selected number of bidders) and where there is no evidence that the bidders have had a secret understanding.

Source: <http://goo.gl/PtjQPF>

- Complementary Oath** As defined by Article 1022 of Civil Law:
- (1) Court may, in order to provide reason for the ruling on the case subject or for the price of what it rules about, directly order one of the parties to take oath.
 - (2) This kind of oath can only be ordered if there is no perfect evidence for the case, but it is not without evidence as well.

Source: <https://goo.gl/ZWDfP4>

Complementary Punishments

As defined by Article 117 of Penal Code:

Complementary punishments are:

- (1) Deprivation from some of the rights and privileges.
- (2) Confiscation.
- (3) Publication of verdict.

Source: <http://goo.gl/X0Ywpj>

Complete Capacity

As defined by Article 39 of Civil Law:

Age of majority is complete 18 Shamsi (Islamic solar calendar) years. The major person, while being sane in concluding contracts, is recognized to have complete legal capacity.

Source: <https://goo.gl/ZWDfP4>

Complete Duress

As defined by Article 553 of Civil Law:

Grave physical or financial threat. Incomplete duress is threat of unsubstantial danger.

See also *duress* and *incomplete duress*.

Source: <https://goo.gl/ZWDfP4>

Completion

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Optimization of a charge holder's rights in collateral against third parties such as buyers, other charge holders or insolvency administrator.

Source: <http://goo.gl/Jh3FS7>

Composite Price Index As defined by the National Procurement Authority (NPA):

Weighted average of the price indexes for major inputs entering into the composition of a finished item of procurement. Sometimes incorporated and made use of in a contract as a basis for price revision.

Source: <http://goo.gl/PtjQPF>

Compromise As defined by Article 1288 of Civil Law:

A contract that resolves dispute and ends conflict on the basis of consent of parties.

Source: <https://goo.gl/ZWDFP4>

Compulsion As defined by Article 95 of Penal Code:

A person who for the sake of saving his own soul or good or the soul or good of someone else comes to face great and immediate danger, such as not to be able to ward it off without committing an act of crime, is not considered responsible provided that the person has not deliberately caused the said danger and that the damage to be avoided should be greater than the damage from the act of crime.

Source: <http://goo.gl/X0Ywpj>

Concealed Damage As defined by the National Procurement Authority (NPA):

Damage which is not apparent at the time of delivery and is discovered only after a package has been opened and the contents examined.

Source: <http://goo.gl/PtjQPF>

Condition

As defined by Article 595(1) of Civil Law:

A pledge to do something in the future for something that belongs to future, which is stipulated by special terms.

Source: <https://goo.gl/ZWDfP4>

Confession

As defined by Article 1001 of Civil Law:

Admission of the opponent, in the court, to right of another person against himself.

Source: <https://goo.gl/ZWDfP4>

Confidential Information

As defined by Law for Regulating Telecommunication Services:

Documents and other information, whether technical or commercial, relating to the design, restoration of condition, insurance, operation, planning, maintenance, management and financing of telecom services or any other activity or facility related thereto.

Source: <http://goo.gl/T1vM59>

Confirmed Letter of Credit

As defined by the National Procurement Authority (NPA):

A letter of credit in which the bank guarantees payment to the beneficiary after all conditions mentioned therein are fulfilled.

Source: <http://goo.gl/PtjQPF>

Confiscation

As defined by Anti-Money Laundering and Proceeds of Crime Law:

The permanent deprivation of funds and property by final

order of a competent court whereby the ownership of such funds and property and the title, if any, evidencing such ownership, is transferred to the state.

Source: <http://goo.gl/6R7m5d>

As defined by Article 132 of Penal Code:

In case the forfeited articles are things whose manufacture, use, holding, supply, and sale are considered crime by itself, the court shall any way order their confiscation, even if the said articles are not the property of the convict or if the accused is acquitted by the court.

Source: <http://goo.gl/X0Ywpj>

Conflict of Interest

As defined by the National Procurement Authority (NPA):

A situation where personal or business interests of a party could affect the outcomes of a business transaction through the non-declaration of that interest. For example, bidders should never be involved in the preparation of bidding documents or evaluation of the same tender.

Source: <http://goo.gl/PtjQPF>

Consequential Punishment

As defined by Article 113 of Penal Code:

Consequential punishments are those punishments to which the convicted person is subjected on the basis of provision of the law without its stipulation in the verdict of the court.

Source: <http://goo.gl/X0Ywpj>

Consideration

The circumstances or factors that the offeror and the offeree considered when agreeing to the contract, and which motivated the contract.

Consignee

As defined by the National Procurement Authority (NPA):

A person or a firm in whose name the supplier ships the goods. The consignee may be the procuring entity of the goods, an agent of the supplier (if the goods are intended to be stocked for eventual sale), etc. The consignee referred to in a bill of lading is, therefore, entitled to take delivery of goods on arrival.

Source: <http://goo.gl/PtjQPF>

As defined by Article 846 of Commercial Code:

Bearer of a transportation document marked "to the bearer" or "to the order" is considered a consignee.

Source: <https://goo.gl/A9f0U9>

Consignment

As defined by the National Procurement Authority (NPA):

Goods shipped to a consignee in terms of a sales contract or for future sale or other purpose (in the latter case the title remaining with the shipper/ consignor).

Source: <http://goo.gl/PtjQPF>

Consignor

As defined by the National Procurement Authority (NPA):

The supplier who ships the goods to be delivered to the party named by him on the bill of lading.

Source: <http://goo.gl/PtjQPF>

Consist

As defined by the National Procurement Authority (NPA):

A complete (itemized) list (one for each wagon) of goods carried by a train; consist is similar to a manifest for goods shipped by a vessel.

Source: <http://goo.gl/PtjQPF>

Consolidated Fund	<p>As defined by Public Finance and Expenditure Law:</p> <p>All funds received by the State.</p> <p>Source: http://goo.gl/IvtMtn</p>
Construction Materials	<p>As defined by the Minerals Law:</p> <p>Crushed stone, dolomite, limestone, gravel, and such other minerals that may be designated as construction materials from time to time in the Mining Regulations.</p> <p>Source: http://goo.gl/9rJGcK</p>
Construction Stone	<p>As defined by the Minerals Law:</p> <p>All those stones that as per the recognition of the Ministry of Mines are not among the ornamental stones and under the existing conditions do not carry any identifiable mineral substances in them and are used for the construction purposes.</p> <p>Source: http://goo.gl/9rJGcK</p>
Construction Total Loss	<p>As defined by the National Procurement Authority (NPA):</p> <p>A claim of a total loss on a marine insurance policy either because:</p> <ol style="list-style-type: none"> (1) The property has been lost and recovery is unlikely; or, (2) An actual total loss appears to be unavoidable; or, (3) Expenses involved in preventing an actual total loss would exceed the saved value of the property. <p>To establish a claim for constructive total loss the assured</p>

must give a notice of abandonment to the underwriters.

Source: <http://goo.gl/PtjQPF>

Consular Invoice

As defined by the National Procurement Authority (NPA):

An invoice (or a prescribed form) made out by the shipper in the presence of a consular representative of the importer's country and/ or to be attested by him giving information as to consignor, consignee, value description, etc., of a shipment being imported. The object is to ensure that goods are not banned and also facilitate imposition of import duties.

Source: <http://goo.gl/PtjQPF>

Consultant's Services

As defined by Procurement Law:

Activities of a professional, intellectual, and advisory nature. Provision of materials and goods or works shall be an exception to this rule, except when the works are of an informational nature. They include design, supervision, training, auditing, software development, expert proposals, and advice, and similar technical or professional services.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

Activities of a professional, intellectual, and advisory nature that do not lead to a measurable physical output. Provision of materials and goods or works shall be an exception to this rule, except when the works are of an informational nature. They include design, supervision, training, auditing software development, expert proposals, and advice, and similar technical or professional services.

Source: <http://goo.gl/PtjQPF>

Consumer Goods As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Goods used or acquired primarily for personal, family or household purposes.

Source: <http://goo.gl/Jh3FS7>

Consumptive Objects As defined by Article 477 of Civil Law:

Consumptive objects are those that may not be utilized without being consumed.

Source: <https://goo.gl/ZWDFP4>

Container As defined by the National Procurement Authority (NPA):

A generic term used to describe any form of pack or receptacle containing goods, liquid or solid. However, in the context of marine transportation of goods it refers to special or specific type of steel receptacle. For facilitating their use universally, the International Organization for Standardization (ISO) has laid down their dimensional standards.

Source: <http://goo.gl/PtjQPF>

Content Note As defined by the National Procurement Authority (NPA):

A statement attached to a package, listing the items enclosed in that particular package.

Source: <http://goo.gl/PtjQPF>

Continued Imprisonment As defined by Article 99 of Penal Code:

- (1) Continued imprisonment is the confinement of convicted persons in one of the jails allocated for this purpose by the State.

(2) The duration of continued imprisonment is from sixteen to twenty years.

See also: long imprisonment, medium imprisonment, short imprisonment

Source: <http://goo.gl/X0Ywpj>

Contract

As defined by the Law of Petroleum and Gas (Hydrocarbons):

Any written agreement concluded between the State and a contractor for the conduct of petroleum and gas exploration, development, production, and utilization method in accordance with the Law.

Source: <http://goo.gl/thT5go>

As defined by Article 497 of Civil Law:

An agreement of two wills for creation, amendment, transfer, or elimination of right within the limits of law.

Source: <https://goo.gl/ZWDFP4>

Contract Area

As defined by the Law of Petroleum and Gas (Hydrocarbons):

A geographical area that is covered by the contract and includes the whole of or such part of the original area awarded to a contractor as shall remain at the disposal of such contractor pursuant to the terms of the contract.

Source: <http://goo.gl/thT5go>

Contract Documents

As defined by the National Procurement Authority (NPA):

A set of documents that are derived from contract and now convey the meaning of the agreement between the procuring entity and the supplier in such a way as to minimize

misunderstanding. They could include:

- (1) The instrument of the contract - the actual document signed by both parties.
- (2) General conditions of contract.
- (3) Special conditions of contract.
- (4) Specifications/ terms of reference/ drawings/ bills of quantities/ timetables/ schedules of rates/ terms of delivery/ etc.
- (5) Copies of any relevant meeting minutes or letters which have been exchanged.
- (6) Curricula vitae of staff selected to carry out the activities; and,
- (7) Specimen of bonds.

Source: <http://goo.gl/PtjQPF>

Contract Employees

As defined by the Labor Law:

Workers, service personnel or contract civil servants that are employed on a contractual basis to provide the specified work for a fixed period of time.

Source: <http://goo.gl/w5zAeR>

Contract Modification

As defined by the National Procurement Authority (NPA):

Any change in the provision of any one or more of the terms and conditions of a contract, proposed by one party and carried out with the agreement of the other party. Legally a modification in a contract amounts to agreeing to a new

contract unless the intended modifications are provided for in the contract, e.g., plus/ minus option on quantities, lot sizes, etc.

Source: <http://goo.gl/PtjQPF>

Contract of Partnership

As defined by the Ottoman Courts Manual:

A contract for joint ownership whereby two or more persons jointly shares in capitol and profit.

Source: <http://goo.gl/QGqmLX>

Contract Period

As defined by the National Procurement Authority (NPA):

An arrangement for the supply of goods or services established for a fixed period of time.

Source: <http://goo.gl/PtjQPF>

Contract Scheduling

As defined by the National Procurement Authority (NPA):

A systems approach to help monitor contract implementation particularly useful for contracts for large projects where different activities have to be carried out in a sequence within a time frame and where delay in the completion of one segment of project is likely to delay the execution of the whole project.

Source: <http://goo.gl/PtjQPF>

Contracting Authority

As defined by the National Procurement Authority (NPA):

The legal entity requesting and buying goods, works or services through contracts and -in most cases- in return pay for these.

Source: <http://goo.gl/PtjQPF>

Contractor

As defined by the Law of Petroleum and Gas (Hydrocarbons):

Any person with whom the State enters into a contract pursuant to by the Law of Petroleum and Gas (Hydrocarbons).

Source: <http://goo.gl/thT5go>

As defined by the National Procurement Authority (NPA):

A person under contract with a procuring entity to supply, according to the context, goods, works or services.

Source: <http://goo.gl/PtjQPF>

Control

As defined by the Banking Law:

- (1) Any situation in which, a person alone or acting in concert with one or more other persons, holds beneficial ownership of at least 50% of any category of voting shares or capital of an enterprise.
- (2) Has the power to elect a majority of the board of supervisors or any similar body of an enterprise; or, has the ability to exert a dominant influence over the management or policies of the enterprise.
- (3) Has the power to issue, based on a custom or formal or informal arrangement, instructions, or directions to a majority of the members of the board of supervisors of an enterprise, or shareholders beneficially owning at least 50% of any category of voting shares or capital of the enterprise.

Source: <http://goo.gl/6uuIUg>

Controlled Delivery

As defined by Counter Narcotics Drug Law:

Allowing the transportation and passage of illicit or suspected consignments of prohibited articles, including drugs, precursors, analogues, or substances substituted for them, equipment of clandestine laboratories, or laundered money into or through Afghanistan or one or more countries, with the knowledge and under the supervision of the competent law enforcement authorities, in efforts to identify persons and investigate and establish proof of criminal offenses.

Source: <http://goo.gl/Jd1J6Z>

Convention

As defined by Law on Campaign Against Financing Terrorism:

The International Convention on the Suppression of the Financing of Terrorism, signed on 01/10/2000.

Source: <http://goo.gl/rbKgbP>

Conventional Bank

As defined by the Banking Law:

Operating in accordance with traditional banking practice.

Source: <http://goo.gl/6uuIUg>

Cooperative

As defined by the Land Reform Law:

Agricultural cooperative.

Source: <http://goo.gl/MgM2b7>

As defined by Law of Land Survey, Verification and Registration:

Agricultural cooperative [company].

Source: <http://goo.gl/6s9Nsp>

As defined by the Cooperative Law:

An association of persons who have voluntarily joined together to achieve a common social and economic end through the formation of a democratically managed and controlled organization.

Source: <http://goo.gl/PDlpxv>

Corporate Governance As defined by the Banking Law:

Rules and practices by which a board of supervisors ensures accountability, fairness, and transparency in a bank's relationship with its all stakeholders.

Source: <http://goo.gl/6uuIUg>

Corporation (Sherkat-Sahami) As defined by Afghanistan Income Tax Law:

A company which has its capital determined and divided by shares and liability of each partner (shareholder) is limited to their shares.

Source: <http://goo.gl/AGtuLK>

Correspondent Banking Relationship As defined by the Banking Law:

A relation in which a bank provides another bank with financial services, including transfer of money and payment of checks, based on mutual agreement and other banking related services.

Source: <http://goo.gl/6uuIUg>

Corrupt Practice

As defined by the National Procurement Authority (NPA):

The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official in the procurement process or in contract execution.

Source: <http://goo.gl/PtjQPF>

Cost and Freight (CFR)

As defined by the National Procurement Authority (NPA):

The supplier must pay the costs and freight necessary to bring the goods to the named port of destination but the risk of loss of or damage to the goods, as well as any additional costs due to events occurring after the time the goods have been delivered on board the vessel, is transferred from the supplier to the procuring entity when the goods pass the ship's rail in the port of shipment. The CFR term requires the supplier to clear the goods for export. This term can only be used for sea and inland waterway transport. When the ship's rail serves no practical purpose, such as in the case of roll-on/ roll-off or container traffic the CPT term is more appropriate to use.

Source: <http://goo.gl/PtjQPF>

Cost Estimate

As defined by the National Procurement Authority (NPA):

A cost estimate prepared by the technical and commercial departments of the procuring entity for goods, works or services which provides a benchmark or a basis for evaluation and/ or negotiations when bids/ offers are received from bidders. It also serves as an instrument of project planning and budgeting.

Source: <http://goo.gl/PtjQPF>

Cost Plus a Fixed Fee

As defined by the National Procurement Authority (NPA):

Contract

A contract which provides reimbursement of cost of materials used in fabrication of equipment and/ or construction of plant and/ or specific costs of services (for example travel costs) on an actual basis plus a fixed (amount) fee for the supplier, the fee bearing no relationship to the cost of materials or services.

Source: <http://goo.gl/PtjQPF>

Cost Plus a Percentage of Cost Contract

As defined by the National Procurement Authority (NPA):

A contract in which a fee is set at a specified percentage of the supplier's actual cost of accomplishing the work.

Source: <http://goo.gl/PtjQPF>

Cost Plus Incentive Fee Contract

As defined by the National Procurement Authority (NPA):

A cost reimbursement type of contract for a construction of a turnkey project where the supplier's fee is linked to the actual costs in relation to the estimated or the target cost so that there is an incentive for the supplier for cost reduction.

Source: <http://goo.gl/PtjQPF>

Cost, Insurance and Freight (CIF)

As defined by the National Procurement Authority (NPA):

The supplier has the same obligations as under CFR but with the addition that he has to procure marine insurance against the procuring entity risk of loss of or damage to the goods during the carriage. The supplier contracts for insurance and pays the insurance premium. The procuring entity should note that under the CIF term the supplier is only required to obtain insurance on minimum coverage. The CIF term requires the supplier to clear the goods for export. This term can only be used for sea and inland waterway transport. When the ship's rail serves no practical purposes such as in the case of roll-on/

roll-off or container traffic, the CIP term is more appropriate to use.

Source: <http://goo.gl/PtjQPF>

Council

As defined by the Land Reform Law:

The supreme land reforms council.

Source: <http://goo.gl/MgM2b7>

Counteroffer

As defined by the National Procurement Authority (NPA):

The acceptance of a bidder's offer by the procuring entity but with modification in one or more terms and conditions of offer. In legal terms it amounts to a new proposal to the bidder which will be construed as contract only if he accepts the revised proposal of the procuring entity without any qualifications.

Source: <http://goo.gl/PtjQPF>

Counter Trade

As defined by the National Procurement Authority (NPA):

A trade arrangement in which import obligations are generally cleared in goods without the use of monetary and banking instruments of exchange in whole or part of the transaction.

Source: <http://goo.gl/PtjQPF>

Court

As defined by Commercial Arbitration Law:

The competent Commercial Court of Afghanistan.

Source: <http://goo.gl/0HdeXc>

Courts of Appeals

The Law on the Organization and Jurisdiction of the Courts

regulates the jurisdiction of the Courts of Appeals, which have the power to review decisions by the Primary Courts. There are Courts of Appeals in each province. A three-judge panel of the relevant dewan of the Court of Appeals hears all appealed cases within its territorial and specialized jurisdiction, reviewing both the law and facts as decided by the lower court.

Covert Operations

As defined by Counter Narcotics Drug Law:

The investigation of criminal offences by law enforcement agencies' use of methods that include surveillance, the use of informants, undercover operations, and the exchange of intelligence with appropriate law enforcement agencies or other organizations.

Source: <http://goo.gl/Jd1J6Z>

CPT Carriage Paid to (CPT)

As defined by the National Procurement Authority (NPA):

The supplier pays the freight for the carriage of the goods to the named destination. The risk of loss of or damage to the goods, as well as any additional costs due to events occurring after the time the goods have been delivered to the carrier, is transferred from the supplier to the procuring entity when the goods have been delivered into the custody of the carrier. The CPT term requires the supplier to clear the goods for export. This term may be used for any mode of transport including multimodal transport.

Source: <http://goo.gl/PtjQPF>

Credit

As defined by the Banking Law of 2015:

- (1) Any disbursement of commitment to make a disbursement of a sum of money in exchange for a promise to repay of the amount disbursed, with or

without interest.

- (2) Other charges on such amount.
- (3) Any extension of the due date of a debt.
- (4) Any guarantee issued.
- (5) Any receipt of postpaid goods or services.
- (6) Any honoring of a customer's overdrafts.
- (7) Any purchase of a debt security or other promise to pay sum of money and to pay interest either directly or by a discounted purchase price.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

any disbursement or commitment to make a disbursement of a sum of money in exchange for a promise to repay of the amount disbursed and to pay interest or other charges on such amount, whether secured or unsecured; any extension of the due date of a debt; any guarantee issued; and any purchase of a debt security or other promise to pay sum of money and to pay interest either directly or by a discounted purchase price.

Source: <http://goo.gl/6DeK6e>

Credit Partnership

As defined by Article 1220 of Civil Law:

Credit partnership is a partnership by which two or more persons, based on their good reputation, agree to buy goods on credit and sell them while each of them shall be liable for a certain part of it and share the profits and losses.

See also: partnership, equal partnership, unequal partnership

Source: <https://goo.gl/ZWDfP4>

Criminal Intention

As defined by Article 34(1) of Penal Code:

Refers to impelling the will of the doer to commit an act which produced the crime, such that it should result in the effect of the intended crime or the effect of another crime.

See also: unintentional crime

Source: <http://goo.gl/X0Ywpj>

Criminal Organization

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Any structured group of two or more persons acting in concert with the aim of committing one or more criminal offences, in order to obtain, directly or indirectly, funds and property or any kind of financial or other material benefit.

Source: <http://goo.gl/6R7m5d>

Cultivation Area

As defined by Law of Land Survey, Verification and Registration:

One or more parcels of land in the control of a single payer or owner. Cultivation area may be composed of parcels located in one or more taxation zones.

Source: <http://goo.gl/6s9Nsp>

Cultural Association

As defined by Article 453 of Civil Law:

An association that is established for development of scientific, technical, literary, and artistic affairs.

Source: <https://goo.gl/ZWDfP4>

Currency

As defined by the National Procurement Authority (NPA):

The Afghani (AFN).

Source: <http://goo.gl/PtjQPF>

Current

As defined by the Afghanistan Bank Law:

Current money in the country or elsewhere.

Source: <http://goo.gl/h3iGQk>

Custody

As defined by Article 236 of Civil Law:

Caring and nurturing of child during the period in which child needs care and nurture of woman.

Source: <https://goo.gl/ZWDfP4>

Customary Document

As defined by Article 991(2) of Civil Law:

A paper that lacks the attributes of official document, but the concerned persons have signed, stamped, or put their fingerprint on it.

Source: <https://goo.gl/ZWDfP4>

Customer

As defined by Amendments to the Anti-Money Laundering and Proceeds of Crime:

A customer in relation to a transaction or an account includes:

- (1) The person in whose name a transaction, business relationship, or account is arranged, opened, or undertaken.
- (2) A signatory to a transaction, business relationship, or account.
- (3) Any person to whom an account, or rights or

obligations under a transaction has been assigned or transferred.

- (4) Any person who is authorized to conduct a transaction, or to control a business relationship or an account; or,
- (5) Such other persons as having ties to the account.

Source: <http://goo.gl/PjLups>

Customs

As defined by Customs Law:

The state agency which carries out and controls custom affairs of export, import, and transit goods, travelers and responsible staff baggage and parcel post in accordance with customs legislation.

Source: <http://goo.gl/DLKZjK>

Customs Areas

As defined by Customs Law:

The areas where the customs exercise their activities as well as areas where the customs exercise direct and indirect control or supervision of the relevant affairs.

Source: <http://goo.gl/DLKZjK>

Customs Control

As defined by Customs Law:

Executing specific actions, such as examining goods, verifying the existence and the authenticity of customs documents, examining the accounts and other records, inspecting means of transport, luggage and other goods carried by or on persons, seizing goods, and reporting suspects to the judicial and justice authorities, with a view to ensuring that customs legislation and any other provisions applicable to goods subject to customs supervision are respected in the customs

territory of the State.

Source: <http://goo.gl/DLKZjK>

Customs Debt

As defined by Customs Law:

A payment obligatory on a person, on account of customs duty, charges (haq ul zamat), dues (awarez), penalties (jerima), and any other monetary obligations (eltezamat e puli) that apply to specific goods or actions under customs legislation.

Source: <http://goo.gl/DLKZjK>

Customs Debtor

As defined by Customs Law:

Any person liable for the payment of a customs debt.

Source: <http://goo.gl/DLKZjK>

**Customs Decision
(Tasmim)**

As defined by Customs Law:

Any official order by customs officials pertaining to the application of Customs legislation to a particular case which affects one or more specific or identifiable persons.

Source: <http://goo.gl/DLKZjK>

Customs Declaration

As defined by Customs Law:

The act or document whereby a person expresses, the wish to place goods under a given customs designation or process.

Source: <http://goo.gl/DLKZjK>

Customs Designation

As defined by Customs Law:

- (1) The placing of goods under a custom process.
- (2) Their entry into a free zone, free warehouse, or duty-free shop.
- (3) Their destruction, or,
- (4) Their abandonment and transfer to the State.

Source: <http://goo.gl/DLKZjK>

Customs Duty

As defined by Customs Law:

An amount of money assessed on imports or exports in accordance with the classification and rates stated in the customs tariff.

Source: <http://goo.gl/DLKZjK>

As defined by the National Procurement Authority (NPA):

Taxes levied upon goods on entry into (import, duties) or exit from (export duties) the country.

Source: <http://goo.gl/PtjQPF>

Customs Legislation

As defined by Customs Law:

The Customs Law, and any other enforced legislation, international conventions and treaties containing customs provisions to which Afghanistan is a party and relevant rules and procedures.

Source: <http://goo.gl/DLKZjK>

Customs Opinion

As defined by Customs Law:

The decision of the Customs Arbitration Administration (Edaara Hakamiyet e Gumruki) taken with regard to a disputed customs case.

Source: <http://goo.gl/DLKZjK>

Customs Process

As defined by Customs Law:

The following stages (marahel):

- (1) Release for free circulation within the customs territory of the State.
- (2) Conditional release of goods under customs supervision.
- (3) Transit.
- (4) Customs warehousing.
- (5) Inward processing.
- (6) Outward processing.
- (7) Processing under customs control.
- (8) Temporary importation.
- (9) Exportation.

Source: <http://goo.gl/DLKZjK>

Customs Status

As defined by Customs Law:

The categorization of goods as Afghan or non-Afghan goods.

Source: <http://goo.gl/DLKZjK>

Customs Supervision

As defined by Customs Law:

The inspection done by customs authorities with a view to ensuring that customs legislation and, other provisions applicable to goods subject to customs supervision are observed, and may include measures for exercising customs control, when necessary.

Source: <http://goo.gl/DLKZjK>

Customs Tariff

As defined by the National Procurement Authority (NPA):

Schedules or rates of customs duties laid down for different goods imported or exported from the country. Schedules of duties for imports and exports are usually issued separately or as two sections in the same document.

Source: <http://goo.gl/PtjQPF>

Da Afghanistan Bank

As defined by the Banking Law of 2015:

The Central Bank of Afghanistan which operates under the Law of da Afghanistan Bank.

Source: <http://goo.gl/6uuIUg>

Dangerous/Hazardous Goods

As defined by the National Procurement Authority (NPA):

Any cargo which under normal conditions of transportation can pose an unreasonable risk to health and safety of crew, other cargo and the ship, aircraft, etc. This includes goods classified as explosive, flammable, corrosive, combustible, oxidative, poisonous, compressed gases, toxics, unduly magnetized, biological, and radiological, and substances associated therewith.

Source: <http://goo.gl/PtjQPF>

Data Entry Books

As defined by Law of Land Survey, Verification and Registration:

The ledgers of property, taxation, Excess jereeb, and temporary taxes which are only for registering properties verified outside of the zone.

Source: <http://goo.gl/6s9Nsp>

Date of Transportation

As defined by Article 672 of Commercial Code:

If goods sold on CIF have been transported from an internal city or from a port by one bill of lading, the date on which the mentioned goods have been transported by the first goods vehicles is considered as the date of transportation.

Source: <https://goo.gl/A9f0U9>

Dead Storage

As defined by the National Procurement Authority (NPA):

Goods stored which are not likely to be used for a long period of time.

Source: <http://goo.gl/PtjQPF>

Debarment from Engagement in a Profession and Trade

As defined by Article 129 of Penal Code:

Debarment from engagement in a profession and trade includes the prohibition of the person from all sorts of professions and trades and industrial, commercial, and technical activities, engagement in which is legally dependent upon the permission of an official authority.

Source: <http://goo.gl/X0Ywpj>

Debt

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

The amount of money that a debtor owes on an account or due to financing in accordance with a securing agreement. Debt may include the cost of financing, penalties, compensation for damage and other related liabilities.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

The sum of money owed by debtor (mortgagor) due to financing of the mortgage. Debt could be subject to financing, penalties, indemnities, and other related liabilities.

Source: <http://goo.gl/zVsjuu>

Debt Security

As defined by the Banking Law of 2015:

Any bond, debenture, or any other form thereof which can be negotiated through subscription or exchange. Debt securities may also be in book-entry form. The term “debt security” does not include promissory notes, bill of exchange, and checks as defined in the Negotiable Instruments Law.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

Any negotiable instrument of indebtedness and any other instrument equivalent to such instrument of indebtedness, and any negotiable instrument giving the right to acquire another negotiable debt security by subscription or exchange; negotiable debt securities may be in certificated or in book-entry form.

Source: <http://goo.gl/6DeK6e>

Decentralized Judicial Systems	<p>A system in which courts in the ordinary judicial system review legislation and determine issues of constitutionality. Since the ordinary court system decides issues of constitutionality in addition to ordinary cases, there is only one high court (a supreme court) with jurisdiction over the entire legal system.</p>
Decision	<p>As defined by Law for Regulating Telecommunication Services:</p> <p>Any final and conclusive pronouncement by the Telecommunication Regulatory Authority, issued on a temporary or permanent basis concerning relevant issues, and implemented by the relevant authorities</p> <p>Source: http://goo.gl/T1vM59</p>
Declarant	<p>As defined by Customs Law:</p> <p>Any person who prepares and presents a customs declaration.</p> <p>Source: http://goo.gl/DLKZjK</p>
Declared Valuation	<p>As defined by the National Procurement Authority (NPA):</p> <p>The valuation placed on a consignment of goods before being delivered to a carrier.</p> <p>Source: http://goo.gl/PtjQPF</p>
Deductions	<p>As defined by Afghanistan Income Tax Law:</p> <p>Expenses of production, collection, and preservation of income which are allowed, by provisions of Afghanistan Income Tax Law, to be deducted from receipts. Expenditures and costs not specifically defined as exemptions or deductions are not deductible.</p>

Source: <http://goo.gl/AGtuLK>

Defamation

As defined by Article 436(1) of Penal Code:

Defamation is the attribution of a certain incidence to someone else by one of the "public" means, such that if it were true, the accused would have been punished or degraded in the eyes of the people.

Source: <http://goo.gl/X0Ywpj>

Default

As defined by the National Procurement Authority (NPA):

Failure of a supplier or a procuring entity to comply with any one or more of the terms and conditions of a contract.

Source: <http://goo.gl/PtjQPF>

Default on Payment

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Failure to pay a debt or its installment when due as stated in the securing agreement.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Failure to pay the debt or the installments when due as set out in the loan agreement.

Source: <http://goo.gl/zVsjuu>

Default on Performance

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Failure to perform an obligation when due as stated in the securing agreement.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Failure to perform the obligations when due as set out in the loan agreement.

Source: <http://goo.gl/zVsjuu>

Default Rules

A set of rules that govern whenever a contract is silent about certain provisions. If a party does not want a contract to be interpreted according to the default rules, they must specifically contract around it in their agreement.

Defense Secrets

As defined by Article 201 of Penal Code:

- (1) Information on military, political, diplomatic, economic, and industrial matters, which according to their nature and in view of defense considerations of the country are not to be known to other persons except those concerned officially with them.
- (2) Letters, written papers, documents, drawings, maps, pictures, photographs, and other items which, in view of defense considerations of the country, are not to be known or available to other persons except those concerned officially with them.
- (3) News and information related to military organization and strategy, facilities and in general that information which is related to military and strategic affairs and written permission of the high military command has not been issued with respect to their publication.
- (4) News and information related to making decisions on procedures and measures for the discovery and

investigation of crimes mentioned in this chapter or the trial of persons committing it; however, the authorized court can permit the publication of those proceedings which it considers necessary.

Source: <http://goo.gl/X0Ywpj>

Deferred Contract

As defined by Article 602 of Civil Law:

A contract that its validation is postponed to a time in future. Such a contract shall be immediately concluded, but its validity shall be deferred to the designated time.

Source: <https://goo.gl/ZWDFP4>

Deficient Material

As defined by the National Procurement Authority (NPA):

Material found to be not conforming to the specifications as to design and quality and, therefore, not fit for the intended use.

Source: <http://goo.gl/PtjQPF>

Delegation

The transfer of contractual obligations or duties by a party to the contract to a third party. Unlike with an assignment, this does require the consent of the other party to the contract.

Delivered at Frontier (DAF)

As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when the goods have been made available and cleared for export, at the named point and place at the frontier, but before the customs border of the adjoining country. The term frontier may be used for any frontier including that of the country of export. Therefore, it is of vital importance that the frontier in question be defined precisely by always naming the point and place in the term. The term is primarily intended to be used when goods are to be carried by rail or road, but it may be used for any mode of transport.

Source: <http://goo.gl/PtjQPF>

Delivered Duty Paid

As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when the goods have been made available at the named place in the country of importation. The supplier has to bear the risks and costs, including duties, taxes, and other charges of delivering the goods thereto, cleared for importation. Whilst the EXW term represents the minimum obligation for the supplier; DDP represents the maximum obligation. This term should not be used if the supplier is unable directly or indirectly to obtain the import license. If the parties wish the procuring entity to clear the goods for importation and to pay the duty, the term DDU should be used. If the parties wish to exclude from the supplier's obligations some of the cost's payable upon importation of the goods (such as value added tax (VAT), this should be made clear by adding words to this effect: Delivered duty paid, VAT unpaid [name place of destination]. This term may be used irrespective of the mode of transport.

Source: <http://goo.gl/PtjQPF>

Delivered Duty Unpaid (DDU)

As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when the goods have been made available at the named place in the country of importation. The supplier has to bear the costs and risks involved in bringing the goods thereto (excluding duties, taxes, and other official charges payable upon importation as well as the costs and risks of carrying out customs formalities). The procuring entity has to pay any additional costs and to bear any risks caused by his failure to clear the goods for import in time. If the parties wish the supplier to carry out customs formalities and bear the costs and risks resulting thereof, this has to be made clear by adding words to this effect. If the parties wish to include in the supplier's

obligations some of the cost's payable upon importation of the goods (such as value added tax (VAT), this should be made clear by adding words to this effect: Delivered duty unpaid, VAT paid, [name place of destination]. This term may be used irrespective of the mode of transport.

Source: <http://goo.gl/PtjQPF>

**Delivered Ex Quay
(DEQ)**

As defined by the National Procurement Authority (NPA):

That the supplier fulfils his obligation to deliver when he has made the goods available to the procuring entity on the quay (wharf) at the named port of destination, cleared for importation. The supplier has to bear all risks and costs including duties, taxes, and other charges of delivering the goods thereto. This term should not be used if the supplier is unable directly or indirectly to obtain the import license. If the parties wish the procuring entity to clear the goods for importation and pay the duty the words "duty unpaid" should be used instead of "duty paid." If the parties wish to exclude from the supplier's obligations some of the cost's payable upon importation of the goods (such as value added tax (VAT)), this should be made clear by adding words to this effect: "Delivered ex quay, VAT unpaid [name port of destination]." This term can only be used for sea or inland waterway transport.

Source: <http://goo.gl/PtjQPF>

**Delivered Ex Ship
(DES)**

As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when the goods have been made available to the procuring entity on board the ship not cleared for import at the named port of destination. The supplier has to bear all the costs and risks involved in bringing the goods to the named port of destination. This term can only be used for sea or inland waterway transport.

Source: <http://goo.gl/PtjQPF>

Delivered for Transportation

As defined by Article 671 of Commercial Code:

If a transportation bill of lading contains the phrase “delivered for transportation,” the buyer may claim that the transportation of the goods has not been occurred on the date of the transportation bill, unless the captain of the ship certifies transportation of the property on the date of the ship bill.

Source: <https://goo.gl/A9f0U9>

Delivery Schedule

As defined by the National Procurement Authority (NPA):

The date and/ or the rate of delivery of the goods or works or services by the supplier to the procuring entity as incorporated in a contract.

Source: <http://goo.gl/PtjQPF>

Delivery Terms

As defined by the National Procurement Authority (NPA):

Conditions as specified in a sale/ purchase contract as to delivery schedule and methods of transportation.

Source: <http://goo.gl/PtjQPF>

Demonstration

As defined by Law on Gatherings, Strikes, and Demonstrations:

Refers to an organized and obvious gathering where people express specific goals while marching through already specified routes.

Source: <http://goo.gl/RXGshX>

Demurrage

As defined by the National Procurement Authority (NPA):

A penalty imposed by a vessel owner or carrier on a consignee/ consignor for delays in loading/ unloading of cargo beyond the time specified in the charter-party. Demurrage charges may be also claimed for storage or use of shipper's owned containers beyond a specified period.

Source: <http://goo.gl/PtjQPF>

Department

As defined by the Cooperative Law:

The Department of Cooperative Development established within the Ministry of Agriculture and Irrigation.

Source: <http://goo.gl/PDlpxv>

Dependence

As defined by Counter Narcotics Drug Law:

A condition in which the use of drugs is compulsive and stopping gives rise to psychological or even physical disorders, which leads the person to continue using the drug.

Source: <http://goo.gl/Jd1J6Z>

Deposit

As defined by the Banking Law:

A sum of money placed with a person by another person, and is:

- (1) Repayable to the depositor under mutually agreed terms and conditions.
- (2) If agreed between the parties, transferable to other persons upon the instruction of the depositor in compliance with law.
- (3) An unconditional liability of the person receiving the

deposit.

- (4) Not dependent on any transactions between the depositor and the person receiving the funds concerning the provision of goods, services, or any type of collateral or security.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

A sum of money paid to a person and credited to a current account or to a savings deposit account maintained with that person, terms under which the deposit will be repaid or transferred to another account, with or without interest or a premium, either on demand or at a time or in circumstances agreed by or on behalf of the depositor and that person.

Source: <http://goo.gl/6DeK6e>

As defined by Article 1609 of Civil Law:

A contract on the basis of which owner delegates authority of preservation of his property to another person and property that is entrusted with another person in order to be preserved shall be called deposit.

Source: <https://goo.gl/ZWDfP4>

Depositary

As defined by Article 1611 of Civil Law:

Person with whom the deposit property is entrusted.

Source: <https://goo.gl/ZWDfP4>

Derivative

As defined by the Afghanistan Bank Law:

Any negotiable forward contract, futures contract, option contract and other contractual instruments that entitles its

holder:

- (1) To acquire a security or a basket of securities or commodities, or.
- (2) To receive a cash amount determined by reference to a future price or value of a security or a commodity, or by reference to a future price or value of a basket of securities or commodities.
- (3) To receive a cash amount determined by reference to an interest rate or a foreign exchange rate or an index of prices or values of interest rates, foreign exchange rates, securities, or commodities.

Source: <http://goo.gl/h3iGQk>

Design Specifications

As defined by the National Procurement Authority (NPA):

Specifications which indicate the essential characteristics which a product to be fabricated and supplied should possess. These have to be as detailed as possible, illustrated with drawings where necessary so as to enable the bidders to know precisely what the procuring entity needs are and what he wants. On the other side they should leave enough room for a competition between the makes of several bidders to secure as much competition (also quality competition) as possible.

Source: <http://goo.gl/PtjQPF>

Designated Contract

As defined by Article 1035(2) of Civil Law:

In designated contracts, particular elements of each contract, in addition to the general elements that are mentioned in Topic one of Section 1 of Contracts, shall be observed.

Source: <https://goo.gl/ZWDFP4>

Destination	<p>As defined by the National Procurement Authority (NPA):</p> <p>The port or place to which goods are shipped for delivery.</p> <p>Source: http://goo.gl/PtjQPF</p>
Destination Inspection	<p>As defined by the National Procurement Authority (NPA):</p> <p>Inspection by the procuring entity or his agents of goods on receipt at destination to assess whether the goods conform to the specifications laid down in the purchase contract.</p> <p>Source: http://goo.gl/PtjQPF</p>
Detention	<p>As defined by the National Procurement Authority (NPA):</p> <p>An owner of a vessel which is delayed beyond the period specified for demurrage in a charter party can claim unlimited damages for any further delays called detention.</p> <p>Source: http://goo.gl/PtjQPF</p>
Detoxification Treatment	<p>As defined by Counter Narcotics Drug Law:</p> <p>Treatment intended to eliminate physical dependence on a drug.</p> <p>Source: http://goo.gl/Jd1J6Z</p>
Detrimental Reliance	<p>When one party makes a promise and takes sufficient steps to fulfill that performance so that the other party to the promise was justified in acting in reliance on that promise. The law provides a remedy for this, as a contract was created on the basis of this reasonable reliance.</p>
Development – Production Area	<p>As defined by the Law of Petroleum and Gas (Hydrocarbons):</p>

The area of contract which covers one or several blocks or specifies the limited geographical service area.

Source: <http://goo.gl/thT5go>

Development Costs

As defined by the National Procurement Authority (NPA):

Supplier's expenses in development of a design or a prototype to help the procuring entity (contracting authority) decide whether the product conforming to this would meet his intended use. As part of a two-stage tendering procedure, these costs will not be reimbursed by the procuring entity.

Source: <http://goo.gl/PtjQPF>

Dewan

Refers to the subject-specific divisions of the provincial, appellate, or Supreme Court such as the Commercial Dewan of the Supreme Court.

Direct Procurement

As defined by the National Procurement Authority (NPA):

A procurement procedure where required goods, services or works are obtained by the procuring entity without any competition through a contract with a supplier, directly selected. International procurement refers to direct contracting for the same procedure.

Source: <http://goo.gl/PtjQPF>

Discharge

As defined by Islamic Republic of Afghanistan Environment Act:

The emission, deposit, disposal, or introduction into the environment of a pollutant directly or indirectly from any point or non-point source, whether stationary or mobile and whether caused or permitted intentionally or unintentionally.

Source: <http://goo.gl/yuTChd>

Discharge of Debt by Substitute

As defined by Article 926 of Civil Law:

Discharge of debt by substitute is when a creditor accepts another object instead of what he is entitled to.

Source: <https://goo.gl/ZWDfP4>

Discharge of Duty

As defined by Article 55 of Penal Code:

Commitment of criminal act during the discharge of a duty, which is the obligation of the state official by the law, is not considered crime.

Source: <http://goo.gl/X0Ywpj>

Discontinuation of the Activities of Legal Person and its Dissolution

As defined by Article 135 of Penal Code:

If the president, director, representatives, or legal attorney of a legal person commits a felony or misdemeanor in the name and on account of the legal person and is, therefore, sentenced to imprisonment for six months or more, the court can discontinue the activity of the legal person. The duration of such discontinuation cannot be less than three months and more than three years. In the case of repetition of felony or misdemeanor, the court shall order its dissolution.

Source: <http://goo.gl/X0Ywpj>

Discount

As defined by the National Procurement Authority (NPA):

Price deduction granted by the supplier to the procuring entity, usually when certain stipulated conditions are met by the procuring entity such as prompt payment, bulk order quantity, etc. Discounts are also granted by a supplier on nominal list prices which may vary from one procuring entity to another because of order size, payment terms, relationship or as an element of marketing strategy of the supplier.

Source: <http://goo.gl/PtjQPF>

Discrepancy Report

As defined by the National Procurement Authority (NPA):

The report indicating that the delivered goods were unsatisfactory for any reason or that the goods (their number, packages, etc.) did not correspond with those indicated in various shipping documents (e.g., the invoice).

Source: <http://goo.gl/PtjQPF>

Dishonor

As defined by Negotiable Instrument Law:

Non-payment or non-acceptance of an instrument which was created according to Negotiable Instrument Law.

Source: <http://goo.gl/BqZ7gq>

Dismissed Crime

As defined by Article 167 of Penal Code:

Crime is dismissed because of the following reasons:

- (1) Death of the accused.
- (2) General amnesty.

Source: <http://goo.gl/X0Ywpj>

Displacement of Boundaries

As defined by Article 494 of Penal Code:

Displacement of boundaries occurs when a person intentionally destroys or removes a land boundary of another or removes any landmark used for the purpose of partitioning.

Source: <http://goo.gl/X0Ywpj>

Distant Relatives

As defined by Article 2043 of Civil Law:

Distant relatives include the following four classes who shall be recognized as prior to one another according to the following order:

- (1) Children of daughters, even in lower degrees, and children of daughters of son, even in lower degrees.
- (2) Non-full grandfathers (i.e., related to the deceased via female), even in upper degrees, and non-full grandmother, even in upper degree.
- (3) Sons of half-brothers from the mother side and their children, even in lower degrees, and children of full sisters or half-sisters from the father or mother side, even in lower degrees, and daughters of full brothers or half-brothers from the father or mother side and their children, even in lower degrees, and daughters of sons of full brother or half-brother from the father side, even in lower degrees, and their children, even in lower degrees;
- (4) Some of the members of the following six classes shall have priority rights over others, in the following order, in entitling the inheritance:
 - a. Maternal uncles of the deceased, his aunts (sisters of his father), uncles (mother's brothers), and his aunts (sisters of mother) whether full, paternal, or maternal.
 - b. Children of the classes mentioned in Item (a), even in lower degrees, and daughters of uncle (brother of father) of the deceased whether full or half from the father side and their daughters and sons, even in lower degrees and children of all of the people stated in this Item, even in lower degrees.
 - c. Maternal uncles of father of the deceased, aunts (sisters of father), uncles (brothers of mother) and aunts (sisters of mother) of father of the deceased whether full, paternal or maternal and uncles (brothers of father brothers) of mother of the deceased, aunts (sisters of father), uncles (brothers of mother) and aunts (sisters of mother) of mother of the deceased whether full,

paternal or maternal.

- d. Children of classes stated in Item (c), even in lower degrees and daughters of full or paternal uncles (brothers of father) of the deceased and their daughters of sons, even in lower degrees, and children of daughters of the mentioned persons, even in lower degrees.
- e. Uncles (brothers of father) of father, father of mother of the deceased and uncles (brothers of father) of father of mother of the deceased and uncles (brothers of father) of mother of mother of the deceased and uncles (brothers of father) of mother of father of the deceased and all their aunts (sisters of father), uncles (brothers of mother) and aunts (sisters of mother) whether of the same parents or half on the father or mother side;
- f. Children of classes stated in Item (f), even in lower degrees, and daughters of full or paternal uncles (brother of father) of father of father of the deceased and their daughters and sons, even in lower degrees and children of persons included in this Item, even in the lower degree.

Distributable Land

As defined by the Land Reform Law:

Distributable land for the purpose of land reforms consists of:

- (1) State land.
- (2) State land acquisitioned illegally by individuals.
- (3) Land acquisitioned in accordance with the provisions of the Land Reform Law.

Source: <http://goo.gl/MgM2b7>

Distribution

As defined by the Decree on Distribution and Sale of State-Owned Land for Residential, Commercial and High-Rise

Buildings in Kabul City:

Allocation of a land plot to an eligible person subject to the approval and determination of eligibility by the authorized commission.

Source: <http://goo.gl/AKUT9y>

As defined by Counter Narcotics Drug Law:

The transfer or attempted transfer of possession from one person to another.

Source: <http://goo.gl/Jd1J6Z>

Distribution of Profits

As defined by Article 1974 of Civil Law:

Distribution of profits shall be made either time-based or place-based and both of them shall take place by consent or judicially.

See also: time-based distribution of profits, place-based distribution of profits

Source: <https://goo.gl/ZWDfP4>

Division

As defined by Article 1951 of Civil Law:

Division means specifying share of common and its payment upon the consent of all co-owners or court ruling.

Source: <https://goo.gl/ZWDfP4>

Divorce

As defined by Article 135 of Civil Law:

A dissolution of valid marriage relationship between husband and wife at present or in the future, by words that explicitly denote occurrence of divorce.

Source: <https://goo.gl/ZWDfP4>

Document

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A document of title, or a receipt such as a bill of lading, or warehouse receipt, issued to prove the ownership or transmitting or storing goods.

Source: <http://goo.gl/Jh3FS7>

Document of Title

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

A written document that is drawn up in accordance with the provisions of the law and substantiates the ownership of immovable property.

Source: <http://goo.gl/zVsjuu>

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A written document prepared in accordance with the law that proves ownership or the right to possess movable property.

Source: <http://goo.gl/Jh3FS7>

Domestic

As defined by Law of Banking in Afghanistan:

When applied to a juridical person means a juridical person whose head office is located in Afghanistan, and when applied to an office means an office whose principal place of business is located in Afghanistan.

Source: <http://goo.gl/6DeK6e>

Domestic Bank

As defined by the Banking Law:

A legal person who received its banking license from Da Afghanistan Bank.

Source: <http://goo.gl/6uuIUg>

Domicile

As defined by Article 51(1) Civil Law:

The place wherein a person habitually resides, whether this domicile is permanent or temporary.

Source: <https://goo.gl/ZWDfP4>

Donation

As defined by Article 1176 of Civil Law:

Donation is transferring ownership of property to another person without any consideration. Sometimes it is made in exchange for consideration.

Source: <https://goo.gl/ZWDfP4>

Dormant Account

As defined by the Banking Law:

A deposit account, the holder of which has not evidenced any interest in the amounts on deposit by recorded transaction or written correspondence with the bank holding that account for ten years.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

If an account holder has not evidenced any interest in the amounts on deposit by recorded transaction or written correspondence with the bank for ten years, on the first business day of the following calendar year the bank shall dispatch by registered post a notice to the account holder at his last known address containing particulars of the dormant account and publish in at least one local newspaper and in the Official Gazette the name of the account holder and the

particulars of the dormant account.

Source: <http://goo.gl/6DeK6e>

Downgrade

As defined by Seed Law:

To certify seed at one class lower than that for which application under Article 20 was made.

Source: <http://goo.gl/BG5xjf>

Draft Contract

As defined by the National Procurement Authority (NPA):

A contract specimen filled in and signed by the bidder and submitted to the procuring entity as part of his bid.

Source: <http://goo.gl/PtjQPF>

Drawee in Case of Need

As defined by Negotiable Instrument Law:

The person whose name is written in the bill or in any indorsement thereon, in addition to drawee.

Source: <http://goo.gl/BqZ7gq>

Drug Abuse / Illicit Drug Use

As defined by Counter Narcotics Drug Law:

The use of any regulated drug without a medical prescription and medical instructions, for non-scientific and non-medical purposes.

Source: <http://goo.gl/Jd1J6Z>

Drug Addict

As defined by Counter Narcotics Drug Law:

A person in a state of physical and/or psychic dependence on a drug.

Source: <http://goo.gl/Jd1J6Z>

Duress

As defined by Article 552 of Civil Law:

Forcing unrightfully a person to perform an act to which he does not consent, be it physical duress or mental.

See also *complete duress* and *incomplete duress*.

Source: <https://goo.gl/ZWDfP4>

Earnest Money

As defined by the National Procurement Authority (NPA):

A sum of money given by one contracting party to another on entering into the contract, to be forfeited by the giver if he fails to carry out his obligations under the contract.

Source: <http://goo.gl/PtjQPF>

Easement

As defined by Article 2340 of Civil Law:

Easement is a right over a real estate for the benefit of the real estate of another person.

Source: <https://goo.gl/ZWDfP4>

Economic Activity

As defined by Law on State-Owned Enterprises:

Activities which create suitable conditions for, and provide timely coverage of, the needs and requirements of an enterprise for the purpose of successfully discharging its essential duties.

Source: <http://goo.gl/UOJtC2>

Economic Analysis

As defined by the National Procurement Authority (NPA):

In purchasing, it refers to economic evaluation of offers,

particularly in case of capital equipment of high value, where different bidders may offer different payment and/ or financing terms with an impact on the total cost of acquisition. Also refers to evaluation of when and how much to buy, considering the level of inventories, the likely demand, ordering and holding costs as well as the present and the likely international market situation.

Source: <http://goo.gl/PtjQPF>

Economic Order Quantity (EOQ)

As defined by the National Procurement Authority (NPA):

That order quantity which gives lowest total variable costs, including both costs of procurement and of stock holding.

Source: <http://goo.gl/PtjQPF>

Economies of Scale

As defined by the National Procurement Authority (NPA):

A concept that, when procuring goods or services, examines the effect of combining like requirements to increase the scale of procurement thereby providing greater leverage in achieving maximum value for money when getting bids/ offers from bidders.

Source: <http://goo.gl/PtjQPF>

Ecosystem

As defined by Islamic Republic of Afghanistan Environment Act:

A dynamic complex of plant, fungi, animal and micro-organism communities and their non-living environment interacting as a functional unit.

Source: <http://goo.gl/yuTChd>

Electronic Money

As defined by the Banking Law:

A monetary value as represented by a liability of its issuer which is accepted by natural or legal persons other than the issuer, stored electronically, and issued upon receipt of funds, for the purpose of making payment transactions as defined in the regulations of Da Afghanistan Bank.

Source: <http://goo.gl/6uuIUg>

Eligibility

As defined by the National Procurement Authority (NPA):

Special requirements set up for bidders. If not met these will not be allowed to bid or their bids/ offers already submitted will be rejected. Requirements can be the nationality of the bidder, presentation of a specific business license etc.

Source: <http://goo.gl/PtjQPF>

Emergency Purchase

As defined by the National Procurement Authority (NPA):

Procurement necessitated to meet a requirement which could not be anticipated and provided for in advance by the procuring entity, e.g., break-down of equipment and replacement of a part, natural disasters

Source: <http://goo.gl/PtjQPF>

Employee

As defined by the Labor Law:

A State civil servant, worker, or service personnel, whether male or female.

Source: <http://goo.gl/w5zAeR>

Employer

As defined by the Labor Law:

A natural or legal person, upon the agreement or approval of

whom the employee is employed, and the wage, salary or other entitlements of the employee are paid by him or upon his approval.

Source: <http://goo.gl/w5zAeR>

Endemic Species

As defined by Islamic Republic of Afghanistan Environment Act:

A species which occurs naturally in the wild only in Afghanistan, or a species which only breeds in the wild in Afghanistan.

Source: <http://goo.gl/yuTChd>

Endorsement in Full

As defined by Negotiable Instrument Law:

The endorsement which contains a direction to pay the amount mentioned in a negotiable instrument, payee's name, and signature of endorser.

Source: <http://goo.gl/BqZ7gq>

Engagement

As defined by Article 64 of Civil Law:

A promise for marriage. Each of the parties may renounce it.

Source: <https://goo.gl/ZWDFP4>

Enquiry

As defined by the National Procurement Authority (NPA):

An invitation from a procuring entity to bidders to submit their price quotes and other terms and conditions for supply of a product (or products) as specified.

Source: <http://goo.gl/PtjQPF>

Enterprise

As defined by the Banking Law:

An association of two or more than two persons as joint owners under an agreement, which is registered and operates under the law for making profit.

Source: <http://goo.gl/6uuIUg>

Entity (edaara)

As defined by Procurement Law:

Any ministry, independent head departments, state owned enterprises, other budgetary unit or instrument of the state, or a company in which the share of State ownership exceeds 25 percent.

Source: <http://goo.gl/4JjsGd>

Environment

As defined by Islamic Republic of Afghanistan Environment Act:

Natural resources, interactions between the components of natural resources and between those components and humans or animals, and physical, aesthetic, and cultural qualities that may affect the health and well-being of humans.

Source: <http://goo.gl/yuTChd>

Environmental Impact Assessment

As defined by Islamic Republic of Afghanistan Environment Act:

The procedures used for evaluating the likely adverse or positive environmental and social impacts of proposed projects, plans, policies, or activities in order to improve the quality and development impact of such projects by identifying ways of improving project selection, siting, planning, design, and implementation.

Source: <http://goo.gl/yuTChd>

Environmental Impact Statement (EIS)

As defined by the Minerals Law:

A prior scientific foreseeable analysis of potential effects of an activity that would affect the environment and social conditions that details:

- (1) Analysis of the acceptable levels of these impacts on the environment and the mitigation measures for them.
- (2) Mitigating the major impacts on the environment and social issues or other severe impacts.
- (3) Compensation of the damages to the affected communities.

Source: <http://goo.gl/9rJGcK>

Environmental Management Plan

As defined by the Minerals Law:

To describe the program and work plan in connection to the environment and the society, and to eliminate its negative impacts during the working period of the project and to reduce and or compensate the resultant damages in case of negative impacts; to ensure the benefits to local communities and rehabilitation of the mine sites.

Source: <http://goo.gl/9rJGcK>

Equal Partnership

As defined by Article 1218 of Civil Law:

Equal partnership is that in which partners are equal in their actions, capital, profits, and losses.

See also: partnership, unequal partnership

Source: <https://goo.gl/ZWdfP4>

Equipment

As defined by Law for Regulating Telecommunication Services:

Telecommunication network equipment and terminal equipment.

Source: <http://goo.gl/T1vM59>

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Goods that are used for the purpose of providing facilities to operating businesses.

Source: <http://goo.gl/Jh3FS7>

Established Defect

As defined by Articles 176 - 178 of Civil Law:

An illness that is incurable or takes a long time to be cured, in such a way that common life with husband is not possible without a large harm as established by expert opinion.

Source: <https://goo.gl/ZWDfP4>

Evaluation Team

As defined by Law of Land Survey, Verification and Registration:

A team composed of two professional staff from Cadastre, one from Agriculture, and one from Amlak.

Source: <http://goo.gl/6s9Nsp>

Event

As defined by Insurance Law:

A certain circumstance under which the insured claims compensation of loss in accordance with the insurance policy.

Source: <http://goo.gl/czjs6F>

Ex Gratia Payment

As defined by Insurance Law:

In exceptional circumstances, compensation of losses to the insured by the insurer even though the insurer has no legal obligation to pay the insured.

Source: <http://goo.gl/czjs6F>

Ex Works (EXW)

As defined by the National Procurement Authority (NPA):

That the supplier fulfils his obligation to deliver when he has made the goods available at his premises (i.e., works, factory, warehouse, etc.) to the procuring entity. In particular, he is not responsible for loading the goods on the vehicle provided by the procuring entity or for clearing the goods for export, unless otherwise agreed. The procuring entity bears all costs and risks involved in taking the goods from the supplier's premises to the desired destination. This term thus represents the minimum obligation for the supplier. This term should not be used when the procuring entity cannot carry out directly or indirectly the export formalities.

Source: <http://goo.gl/PtjQPF>

Excess Jereeb

As defined by Law of Land Survey, Verification and Registration:

That part of the Cultivation Area of a person which shall be designated, in accordance with valid documents, as in excess of his merit.

Source: <http://goo.gl/6s9Nsp>

Excessive Lesion

As defined by Article 571(2) of Civil Law:

Lesion is excessive if the difference between the real value of

property at the time of contract and the price it is sold amounts to 15 percent or more.

Source: <https://goo.gl/ZWDfP4>

Exclusion from Inheritance

As defined by Article 2024 of Civil Law:

Exclusion from inheritance shall mean the case in which person has the capacity to inherit, but due to existence of another heir he shall not be entitled to inheritance.

See also: partial exclusion, total exclusion

Source: <https://goo.gl/ZWDfP4>

Excuse

As defined by Article 141 of Penal Code:

Excuses either acquit from charges or extenuate them.

See also: acquitting excuse, extenuating excuse

Source: <http://goo.gl/X0Ywpj>

Execution

As defined by Article 98 of Penal Code:

Execution is the hanging of convicted persons on gallows until death.

Source: <http://goo.gl/X0Ywpj>

Execution Creditor

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A person who acquired court decree regarding secured charge in favor of himself.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

A Person who has obtained the court order for seizure or lien on mortgaged property.

Source: <http://goo.gl/zVsjuu>

Exemptions

As defined by Afghanistan Income Tax Law:

Deductions from income of the taxpayer given in accordance with the provisions of Afghanistan Income Tax Law.

Source: <http://goo.gl/AGtuLK>

Exercise of Right

As defined by Article 53 of Penal Code:

Commitment of a criminal act with good will for the purpose of exercising a right, which is granted to a person by the way, of religious or other laws, is not considered crime.

Source: <http://goo.gl/X0Ywpj>

Expectation Damages

This is the most common basis for calculating monetary relief. The goal of the court in awarding expectation damages is to put the victim of the breach in the position that he would have occupied had the contract been carried out as expected. Therefore, if the victim is being awarded his expectation damages, he is entitled to receive the amount of money necessary to place him, as nearly as possible, in the position that he would have occupied had the contract been performed.

Expedite

As defined by the National Procurement Authority (NPA):

Action taken, or to be taken, to ensure that the work (of fabrication, construction, etc.) is proceeding according to schedule and that the supplier will be able to deliver the product or complete the project as per delivery or completion date mentioned in the contract. In large-scale projects where activities are interdependent and certain activities have to precede others, delays by one contractor or subcontractor can

disrupt the implementation schedule of the project. Expediting in such cases is of special importance.

Source: <http://goo.gl/PtjQPF>

Expendable Material As defined by the National Procurement Authority (NPA):

Items that are consumed in use and that do not ordinarily retain their original features during the period of use (e.g., paper, fertilizers. etc.).

Source: <http://goo.gl/PtjQPF>

Exploitation As defined by the Minerals Law:

Any activity by means of which exploration, pre-production development and extraction of minerals takes place from an identified deposit by means of open pit or underground operations from a deposit or an artificial deposit for its processing, using, or selling.

Source: <http://goo.gl/9rJGcK>

Exploration As defined by the Minerals Law:

Any activity carried out to discover minerals in order to demarcate the quality and quantity of the reserves contained within it, or to evaluate the possibilities of its exploitation.

Source: <http://goo.gl/9rJGcK>

Exploration Contract As defined by the Law of Petroleum and Gas (Hydrocarbons):

Specifies the exclusive right of exploration or development and production of petroleum and gas in a specific area for the contractor in accordance with the contract.

Source: <http://goo.gl/thT5go>

Exploration Phase

As defined by the Law of Petroleum and Gas (Hydrocarbons):

The tenure of exploration contract consisting of exploration and development – production phases.

Source: <http://goo.gl/thT5go>

Export Duty

As defined by Customs Law:

Customs duty on the exportation of goods.

Source: <http://goo.gl/DLKZjK>

Exposure

As defined by the Banking Law:

Any asset or off-balance sheet item, including without limitation:

- (1) A loan or direct or indirect commitment to disburse money in exchange for a right to repayment of the amount disbursed and outstanding and to the payment of interest or other charges on such amount.
- (2) Any extension of the due date of a debt, any guarantee or letter of credit issued, debt securities, and similar forms of credits or credit commitments granted by a bank to a client.
- (3) Shares, participation in the capital, and other types of investments in another juridical person by a bank.

Source: <http://goo.gl/6uuIUg>

Express Warranty

As defined by the National Procurement Authority (NPA):

A written affirmation by a supplier to a procuring entity that the goods are of the same quality and the requisite performance standard as in the contract. An express warranty does not exclude implied warranty.

Source: <http://goo.gl/PtjQPF>

Expression of Interest As defined by the National Procurement Authority (NPA):

A note received from a bidder, usually in response to a public advertisement invitation to bid or prequalification, for the supply of specific goods, works or services.

Source: <http://goo.gl/PtjQPF>

Expression of Will As defined by Article 509 of Civil Law:

An exchange that clearly denotes the reality of contract. Expression of will takes place orally, in writing or by customarily used signs.

Source: <https://goo.gl/ZWDFP4>

Ex-Situ Conservation As defined by Islamic Republic of Afghanistan Environment Act:

The conservation of components of biological diversity outside their natural habitats.

Source: <http://goo.gl/yuTChd>

Extenuating Excuse As defined by Article 143 of Penal Code:

- (1) When extenuating excuses come into presence in a felony for which the punishment is death, the court can reduce it to continued imprisonment.
- (2) If the punishment for the felony is continued imprisonment or long imprisonment, the court can

reduce the continued imprisonment to long imprisonment and the long imprisonment to medium imprisonment.

Source: <http://goo.gl/X0Ywpj>

False Testimony

As defined by Article 382 of Penal Code:

If a person, under oath or affirmation, intentionally denies the truth, declares false statement, conceals the whole or part of the events pertaining to his testimony, his testimony shall be considered false.

Source: <http://goo.gl/X0Ywpj>

Falsification in Commercial Transactions

As defined by Article 479 of Penal Code:

Falsification in commercial transactions occurs when a person intentionally, through spreading fabricated news of events, propaganda, or any other falsified means, becomes the cause for lowering or raising the price of goods or bonds, or a person who conceals any goods ready for consumption or becomes the cause for such an act.

Source: <http://goo.gl/X0Ywpj>

Family

As defined by the Land Reform Law:

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 the Land Reform Law.

Source: <http://goo.gl/MgM2b7>

As defined by Law of Land Survey, Verification and Registration:

The supporting head of the family, his wife, and children that have not reached the legal age of maturity, who are under the direct guardianship of the head of the family. A family shall

be regarded as one person for the purposes of the Law of Land Survey, Verification and Registration.

Source: <http://goo.gl/6s9Nsp>

As defined by Article 56 of Civil Law:

Consists of relatives gathered together on the basis of a common ascendant.

Source: <https://goo.gl/ZWDfP4>

Farmer

As defined by the Land Reform Law:

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.

Source: <http://goo.gl/w5zAeR>

Farming

As defined by Article 1411 of Civil Law:

Farming is a contract on cultivation of land between owner and farmer in such a way that harvest shall be divided between them in shares that they have agreed in contract.

Source: <https://goo.gl/ZWDfP4>

Favorable Conservation Status

As defined by Islamic Republic of Afghanistan Environment Act:

- (1) The species is maintaining itself on a long-term basis as a viable component of its ecosystem.
- (2) The distribution of the species is neither currently being reduced, nor is likely to be reduced, on a long-term

basis.

- (3) Availability exists of sufficient habitat to maintain the population of the species on a long-term basis.
- (4) The distribution and abundance of the species to the extent consistent with wise wildlife management.

Source: <http://goo.gl/yuTChd>

Favorable Tariff

As defined by Customs Law:

A reduction in, suspension of, or exemption from the otherwise applicable import duty stated in the Customs Tariff.

Source: <http://goo.gl/DLKZjK>

Felony

As defined by Article 24 of Penal Code:

A crime whose doer is sentenced to death or continued imprisonment or long imprisonment.

Source: <http://goo.gl/X0Ywpj>

Fiduciary

A person who must act loyally for the principal's benefit in all matters connected with the agency relationship.

Fiduciary Duty

A legal relationship of confidence or trust between two or more parties. A fiduciary is expected to be loyal to the person to whom she owes the duty (the "principal"). She must not put her personal interests before the duty and must not profit from her position as a fiduciary unless the principal consents.

Final Acceptance

As defined by the National Procurement Authority (NPA):

The procuring entity grants technical acceptance upon expiry of the guarantee period provided the supplier has met all his obligations. For items replaced, repaired, or modified, the

guarantee period shall be prolonged by a period equal to that during which they are unavailable.

Source: <http://goo.gl/PtjQPF>

Final Verdict

As defined by Article 10 of Penal Code:

The verdict, which has been finalized, or that there should be no question of appeal or cassation, or that the deadlines for appeal and cassation have lawfully lapsed.

Source: <http://goo.gl/X0Ywpj>

Finance / Financing

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

- (1) An accommodation or facility provided on the basis of participation in profit and loss, mark-up or mark-down in price, hire, purchase, equity support, lease, rent-sharing, licensing, charge or fee of any kind, purchase and sale of any movable property including commodities, patents, designs, trade mark, and copy rights, bill of exchange, promissory notes or other instruments with or without buy back arrangement by a seller, and participation in morabah, musawama, istisnah or modaraba terms of financing;
- (2) A credit card or charge card arrangement between a lender and debtor.
- (3) A guarantee, letter of credit or any other financial commitment a lender may provide to a debtor or a chargor.
- (4) A loan, an advance, overdraft, a bill of exchange that is discounted and purchased or any other financial commitment provided by a lender to a chargor or a debtor.

Source: <http://goo.gl/Jh3FS7>

Financial Institution

As defined by the Banking Law:

A bank, pension fund, investment fund, securities underwriter, broker, or dealer, insurance company, leasing company, and/or any other enterprise engaging primarily in activities that are incidental to financial sector activities as determined by Da Afghanistan Bank's regulations.

Source: <http://goo.gl/6uuIUg>

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Any person or entity who conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- (1) Acceptance of deposits and other repayable funds from the public, including private banking.
- (2) Lending, including consumer credit; mortgage credit; factoring, with or without recourse; and finance of commercial transactions (including forfeiting).
- (3) Financial leasing, not extended to financial leasing arrangements in relation to consumer products.
- (4) The transfer of money or its equivalent, including financial activity in both the formal and informal sector.
- (5) Issuing and managing means of payment (e.g., credit and debit cards, checks, traveler's checks, money orders and bankers' drafts, electronic money transfers).

- (6) Financial guarantees and commitments.
- (7) Trading in:
 - (a) Money market instruments (checks, bills, notes, derivatives etc.).
 - (b) Foreign exchange.
 - (c) Instruments whose value is determined by reference to an interest rate or yield or a foreign exchange rate or an index of prices or values of interest rates or yields, foreign exchange rates, securities, or commodities.
 - (d) Transferable securities.
 - (e) Commodity futures.
 - (f) Participation in securities issues and the provision of financial services related to such issues.
 - (g) Individual and collective portfolio management.
 - (h) Safekeeping and administration of cash or liquid securities on behalf of other persons.
 - (i) Otherwise investing, administering, or managing funds or money on behalf of other persons.
 - (j) Underwriting and placement of life insurance and other investment related insurance, including insurance undertakings and insurance intermediaries (agents and brokers); and,

(k) Money and currency changing.

Source: <http://goo.gl/6R7m5d>

Financial Services Tribunal

As defined by Law of Banking in Afghanistan:

The Financial Services Tribunal established by Article 108 of the Law for Da Afghanistan Bank.

Source: <http://goo.gl/6DeK6e>

Financing of Funds

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Relates to expenses from:

- (1) An assistance or facility provided by the mortgagee or his partner for sharing in profit and loss, increase or decrease in prices, employment, purchase, investing capital, lease, rent- sharing, licensing, dues or fees and purchase and sale of immovable property. The assistance and facility also include the participation in financing agreements, morabaha, mosawama, istisnah or modaraba kinds of financing.
- (2) Guarantee, letter of credit or other financial commitments that are made by the lender on behalf of the mortgagor or debtor.
- (3) A credit, loan, an overdraft, a bill of exchange discounted and purchased, and other financial commitments that are made by the mortgagee to the mortgagor or the debtor.

Source: <http://goo.gl/zVsjuu>

Financing of

As defined by Anti-Money Laundering and Proceeds of Crime

Terrorism

Law:

The offence of financing of terrorism as defined in the law of terrorism.

Source: <http://goo.gl/6R7m5d>

Fire Insurance

As defined by Article 1660 of Civil Law:

In fire insurance, insurer shall be obligated to compensate for damages caused by fire and damages that are considered inevitable results of fire, especially damages that are inflicted on the insured objects due to using equipment to extinguish fire or prevent its expansion. Also, insurer shall be liable for destruction of the insured objects and their disappearance during the fire, unless it is proved that the disappearance has been due to theft. Provisions of this Article shall apply only if no agreement has been made to its contrary.

See also: fire insurance

Source: <https://goo.gl/ZWDFP4>

Firm Bid/Offer

As defined by the National Procurement Authority (NPA):

A definite price proposal, as differentiated from an estimated cost bid/ offer. It binds the bidder for the validity time of his bid/ offer.

Source: <http://goo.gl/PtjQPF>

First Grade Award Authority

As defined by Procurement Law:

A minister or the head of another procuring entity having the award authority indicated in Annex A of Procurement Law.

Source: <http://goo.gl/4JjsGd>
<http://goo.gl/PtjQPF>

Fiscal Year

As defined by Public Finance and Expenditure Law:

The period from 1 Hamal of a year to the end of Hoot (March 21 to March 20).

Source: <http://goo.gl/IvtMtn>

According to Income Tax Law of 2009, Fiscal Tax Year refers to:

Tax (fiscal) year (1) The tax year is the solar (Hejiri Shamsi) year which starts on the first day of Hamal (21 March) and ends on the last day of Hoot (20 March) of that year.

Source: <http://goo.gl/qcXI79>

Fit and Proper Person

As defined by the Banking Law:

A person who, in the judgment of Da Afghanistan Bank, possesses honesty, trustworthiness, fairness, integrity and has the ability to make sound and effective decisions in his personal, financial, and business activities and possesses the suitable skills and experience for conducting the intended activities of the bank. A legal person is considered to be a fit and proper person if in the judgment of Da Afghanistan Bank all members of its board of supervisors and management board, or equivalent governing bodies, and persons with qualifying holdings in such enterprise have these qualities.

No person shall be regarded as a fit and proper person if he:

- (1) Has been convicted by an authorized court of an offense for which he was sentenced to imprisonment unless such sentence was motivated by his religious or political views or activities.

- (2) Has been declared bankrupt by an authorized court of law.
- (3) On grounds of personal or professional misconduct, has been disqualified or his authority in conducting financial affairs is under suspension by a competent authority.
- (4) Is an associate or a representative of a person who would not be regarded as a fit and proper person according to the first, second, and third sub-paragraphs of this paragraph.
- (5) Has a beneficial owner who would not be regarded as a fit and proper person according to the first, second, and third sub-paragraphs of this paragraph.

Source: <http://goo.gl/6uuIUg>

As defined by Law of Banking in Afghanistan:

A person who may be regarded as honest and trustworthy and whose professional qualifications, background and experience, financial position, or business interests do not disqualify that person in the judgment of Da Afghanistan Bank to be an owner, administrator or conservator of a bank; no person shall be regarded as a fit and proper person if he has been convicted by a criminal court of an offense for which he was or could have been sentenced to imprisonment without the option of a fine unless such sentence was or would have been motivated by his religious or political views or activities, or if he has been declared bankrupt by a court of law, or if he, on grounds of personal misconduct unrelated to his religious or political views or activities, has been disqualified or suspended by a competent authority from practicing a profession.

Source: <http://goo.gl/6DeK6e>

Fixed Assets

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Movable goods that have been affixed permanently or constructively into the immovable property.

Source: <http://goo.gl/zVsjuu>

Fixed Exchange Rate

An exchange rate established at a given level and maintained through government (usually central bank) actions. To fix the exchange rate, a government must be willing to buy and sell currency in the foreign exchange market in whatever amounts are necessary.

Fixed Price Contract

As defined by the National Procurement Authority (NPA):

A contract that provides for a fixed price not subject to any adjustment on account of cost increases that a supplier may experience in the course of execution of the contract.

Source: <http://goo.gl/PtjQPF>

Fixed Price Contract with Revision

As defined by the National Procurement Authority (NPA):

A variation of a fixed-price type of contract which provides for the upward or downward changes in prices of specified materials and/ or of labor costs.

Source: <http://goo.gl/PtjQPF>

Floating Policy

As defined by the National Procurement Authority (NPA):

A cargo insurance policy similar to an open cover. It is issued with a sum insured to cover a number of consignments on a running basis. As and when a consignment is made and

declared the valuation in the policy is reduced by the value of the goods until the value of the policy is exhausted.

Source: <http://goo.gl/PtjQPF>

Follow-Up

As defined by the National Procurement Authority (NPA):

In procurement, to monitor the implementation of the contract and to take necessary action if warranted.

Source: <http://goo.gl/PtjQPF>

Force Majeure

As defined by Customs Law:

A natural disaster, war, unexpected political and economic upheavals, or similar act beyond the control of the person affected.

Source: <http://goo.gl/DLKZjK>

As defined by the National Procurement Authority (NPA):

An expression which implies circumstances beyond one's control the occurrence, accidents caused by unforeseeable circumstances, natural catastrophes which could not have been prevented or avoided, including government decrees, edicts, strikes, etc., of which can be pleaded as a legal excuse for non-fulfilment of contract. No one can be held liable for damage to or loss of goods due to force majeure.

Source: <http://goo.gl/PtjQPF>

Forced Labor

As defined by the Minerals Law:

Any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty.

Source: <http://goo.gl/9rJGcK>

Foreign Currency and Foreign Exchange

As defined by the Afghanistan Bank Law:

- (1) The money of a country other than Afghanistan.
- (2) A monetary unit of account which is established by an intergovernmental organization or by agreement between two or more countries.
- (3) Gold if sold as bullion or specie, not including a significant increment of workmanship.

Source: <http://goo.gl/h3iGQk>

Foreign Investment

As defined by Law on Private Investment in Afghanistan:

Investment in the form of freely convertible foreign currency or contributions in kind, transferred from outside by a foreign person to the country.

Source: <http://goo.gl/NQhQgY>

Foreign Investor

As defined by Law on Private Investment in Afghanistan:

Foreign person who has provided foreign investment in the country.

Source: <http://goo.gl/NQhQgY>

Foreign Loan

As defined by Law on Private Investment in Afghanistan:

A loan, debenture, bond, or other form of debt extended to an approved enterprise in freely convertible foreign currency by a foreign person for the purpose of enabling the Enterprise to carry on its business.

Source: <http://goo.gl/NQhQgY>

Foreign States

As defined by Article 203 of Penal Code:

Political associations which are not recognized officially by the State of Afghanistan but confront the State as in a state of war, are considered as foreign states.

See also: state of war

Source: <http://goo.gl/X0Ywpj>

Forgery

As defined by Article 309 of Penal Code:

Forgery is the making of writings, documents, signatures, and seals that are not real, or changing such things by addition, substitution, imitation, or omission.

Source: <http://goo.gl/X0Ywpj>

Formal Economy

Economic activity that is taxed and included in a government's Gross Domestic Product (GDP).

Forward Contract

As defined by the Afghanistan Bank Law:

A contract for future receipt of a debt security or a commodity with a specified price.

Source: <http://goo.gl/h3iGQk>

Forward Purchasing

As defined by the National Procurement Authority (NPA):

Purchasing of quantities in excess of immediate requirements, a procurement strategy which may be adopted when indications are that the supplies in the international market may become short and/ or when prices are expected to rise sharply.

Source: <http://goo.gl/PtjQPF>

Foundation Seed

As defined by Seed Law:

Seed produced from breeder seed and fulfilled all established requirements for such seed and is used for the production of registered and certified seed classes.

Source: <http://goo.gl/BG5xjf>

Franchise

As defined by the National Procurement Authority (NPA):

A percentage shown in a cargo policy which has to be attained before a partial loss claim becomes admissible for payment. Once the franchise is attained the claim is paid in full.

Source: <http://goo.gl/PtjQPF>

Fraud

As defined by Article 570 of Civil Law:

Using deceitful means, words, or acts, which entices the other party to consent to conclude contract, in a manner that if these means were not used, he would not consent to contract.

Source: <https://goo.gl/ZWDfP4>

Fraudulent Bankrupt

As defined by Article 481 of Penal Code:

A merchant, adjudged to be bankrupt, shall be considered a "fraudulent bankrupt" in the following cases:

- (1) In the case where the whole or part of his records are concealed, destroyed, changed, or modified.
- (2) In the cases where he concealed or embezzled part of his possessions for the purpose of inflicting harm to his creditors.
- (3) In the case where he has made confession of feigned debts, regardless of the fact whether the debts have been recorded or not.

- (4) In the case where he has abstained from giving explanations or submitting his documents to concerned authorities and he is aware of the effects of his abstention.

Source: <http://goo.gl/X0Ywpj>

Fraudulent Practice

As defined by the National Procurement Authority (NPA):

Defines a misrepresentation or omission of facts in order to influence a procurement process or the execution of a contract.

Source: <http://goo.gl/PtjQPF>

Free Alongside Ship (FAS)

As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when the goods have been placed alongside the vessel on the quay or in lighters at the named port of shipment. This defines that the procuring entity has to bear all costs and risks of loss of or damage to the goods from that moment. The FAS term requires the procuring entity to clear the goods for export. It should not be used when the procuring entity cannot carry out directly or indirectly the export formalities. This term can only be used for sea or inland waterway transport.

Source: <http://goo.gl/PtjQPF>

Free Carrier (FCA)

As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when he has handed over the goods, cleared for export, into the charge of the carrier named by the procuring entity at the named place or point. If no precise point is indicated by the procuring entity, the supplier may choose within the place or range stipulated where the carrier shall take the goods into his charge. When, according to commercial practice, the supplier's assistance is required in making the contract with the carrier (such as in rail

or air transport) the supplier may act at the procuring entity's risk and expense. This term may be used for any mode of transport, including multi modal transport. If the procuring entity instructs the supplier to deliver the cargo to a person, e.g., a freight forwarder who is not a carrier, the supplier is deemed to have fulfilled his obligation to deliver the goods when they are in the custody of that person. Transport terminal defines a railway terminal, a freight station, a container terminal or yard, a multi-purpose cargo terminal or any similar receiving point.

Source: <http://goo.gl/PtjQPF>

Free on Board (FOB) As defined by the National Procurement Authority (NPA):

The supplier fulfils his obligation to deliver when the goods have passed over the ship's rail at the named port of shipment. This defines that the procuring entity has to bear all costs and risks of loss of or damage to the goods from that point. The FOB term requires the supplier to clear the goods for export. This term can only be used for sea or inland waterway transport. When the ship's rail serves no practical purpose, such as in the case of roll-on/ roll-off or container traffic, the FCA term is more appropriate to use.

Source: <http://goo.gl/PtjQPF>

Free Time As defined by the National Procurement Authority (NPA):

The period allowed loading or unloading transportation equipment before demurrage or storage charges begin to accrue.

Source: <http://goo.gl/PtjQPF>

Freeze As defined by Anti-Money Laundering and Proceeds of Crime Law:

Provisionally (1) deferring the execution of a transaction or (2) prohibiting or restraining the transfer, alteration, conversion, disposition or movement of funds and property, on the basis of an order or directive from a competent authority.

Source: <http://goo.gl/6R7m5d>

Freight Abandonment As defined by the National Procurement Authority (NPA):

A term in a hull policy (an insurance policy on the ship and not the cargo) whereby the underwriter waives his right to freight earned or to be earned by a ship that is the subject of a total loss claim.

Source: <http://goo.gl/PtjQPF>

Freight at Destination As defined by the National Procurement Authority (NPA):

A provision in a contract of affreightment implying that the freight charges will be paid by the consignee upon the arrival of goods at the specified destination.

Source: <http://goo.gl/PtjQPF>

Freight Forwarder As defined by the National Procurement Authority (NPA):

A person or a firm engaged in the business of collecting goods, arranging for their transportation from the factory or warehouse for delivery at the port of shipment, arranging for customs clearance and booking freight for shipment to the port of destination as the agent of the supplier or the procuring entity (depending on the terms of contract).

Source: <http://goo.gl/PtjQPF>

Frequency Admitting As defined by Law for Regulating Telecommunication

Device

Services:

A device or combination of devices, which are used for radio communication.

Source: <http://goo.gl/T1vM59>

Fundamental Property

As defined by Law on State-Owned Enterprises:

Equipment usable for work for more than a year, with a value not less than the amount determined by the State for definition of fundamental property.

Source: <http://goo.gl/UOJtC2>

Fundamental Repair

As defined by Law on State-Owned Enterprises:

Renewal of consumable parts for fundamental property which have been used for more than a year upon installation/erection or fundamental repair.

Source: <http://goo.gl/UOJtC2>

Funds and/or Property

As defined by Law on Campaign Against Financing Terrorism:

Assets of every kind, whether material or immaterial, corporeal, or incorporeal, movable, or immovable, tangible, or intangible, and legal documents or instruments, including electronic or digital, evidencing title to, or interest in, such assets.

Source: <http://goo.gl/rbKgbP>

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Assets of every kind, whether corporeal or incorporeal, movable, or immovable, tangible, or intangible, and legal documents or instruments, including electronic or digital, evidencing title to, or interest in, such assets.

Source: <http://goo.gl/6R7m5d>

As defined by Amendments to the Anti-Money Laundering and Proceeds of Crime:

Assets of every kind, whether material or immaterial, corporeal or incorporeal, movable or immovable, tangible or intangible, however, acquired, and legal documents or instruments, including electronic or digital, evidencing title to, or interest in, such assets including but not limited to money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets.

Source: <http://goo.gl/PjLups>

Fungible Goods

As defined by the National Procurement Authority (NPA):

Goods of which any one unit is similar to other units or where the qualities marketed by various producers are treated as equivalent or nearly similar, e.g., grains.

Source: <http://goo.gl/PtjQPF>

As defined by Article 476 of Civil Law:

Fungible objects are those whose units or parts are similar to each other and may, without considerable difference, be interchanged.

Source: <https://goo.gl/ZWDfP4>

Futures

As defined by the National Procurement Authority (NPA):

Contracts for the sale and purchase of commodities (or securities, currencies, etc.) for future delivery. In futures trading commodities are not intended to be delivered physically (although this is not ruled out); instead, price differences are settled. Thus, if a supplier had agreed to deliver x tons of copper to the buyer at US\$900 per ton after 90 days and the actual price after that period is US\$800, the buyer pays to the supplier a difference of US\$100 per ton.

Source: <http://goo.gl/PtjQPF>

Futures Contract

As defined by the Afghanistan Bank Law:

A forward contract that is traded with standardized terms and conditions in a financial market.

Source: <http://goo.gl/h3iGQk>

Gardening Contract

As defined by Article 1432(1) of Civil Law:

Giving tree and vine to another person for the purpose of nurturing and utilization in exchange for a specific part of its fruit.

Source: <https://goo.gl/ZWdfP4>

Gathering

As defined by Law on Gatherings, Strikes, and Demonstrations:

An assembly of more than 30 people where other people can freely participate and is in a stationary state in a public place and an organized and obvious fashion and is being for or against some specific purposes for which it tries to attract public opinion.

Source: <http://goo.gl/RXGshX>

Gemstone

As defined by the Minerals Law:

Any minerals or mineral substances consisting of one or more chemical elements which are precious and have high market value, including diamond, emerald, sapphire, ruby, tourmaline, topaz, aquamarine, garnet, peridot, amethyst, and such other minerals that may be designated as gemstones from time to time in the mining regulations.

Source: <http://goo.gl/9rJGcK>

General Aggravating Conditions

As defined by Article 148 of Penal Code:

Without prejudice to the special conditions of aggravation of punishment anticipated in Penal Law, general aggravating conditions are:

- (1) When the motive of crime is low and corrupt.
- (2) When the crime takes place in realization of weakness of the senses of the person against whom a felony is committed or his inability to defend himself.
- (3) When the crime is committed in a savage manner or the person against whom a felony is committed has been disfigured.
- (4) When an official of public services, making use of his official prestige and influence, commits a crime.
- (5) When, making use of the state of economic crisis, crime is committed.

Source: <http://goo.gl/X0Ywpj>

General Amnesty

As defined by Article 170 of Penal Code:

- (1) General amnesty is proclaimed by the law and as its effect the claim is cancelled and the verdict convicting the criminal is nullified. General amnesty dismisses all principal, consequential and complementary

punishments, and security measures, and does not affect previous enforced punishments, provided the amnesty law has (not) stipulated the contrary.

- (2) If the general amnesty law covers one of the punishments of the convict, it is considered as special amnesty and the provisions of special amnesty apply to it.
- (3) General amnesty does not interfere with the rights of others.

See also: special amnesty, dismissed crime

Source: <http://goo.gl/X0Ywpj>

General Assembly

As defined by Article 429 of Civil Law:

Consists of all members who have fulfilled their obligations according to charter of association.

Source: <https://goo.gl/ZWDFP4>

General Partnership (Sherkat-Tazamoni)

As defined by Article 135 of Commercial Code:

A company which is established under a designated title for business affairs by two or more persons with joint liability. If assets of the company are not sufficient for discharging all of its debts, each of the partners shall be liable for the payment of all the debts of the company.

See also: commercial companies, limited partnership, limited liability company, joint stock company, and cooperate company.

Source: <https://goo.gl/A9f0U9>

As defined by Afghanistan Income Tax Law:

One in which the partners are liable for payment of all debts of the partnership individually and collectively.

Source: <http://goo.gl/AGtuLK>

Genetic Resource

As defined by Islamic Republic of Afghanistan Environment Act:

Any material of plant, animal, microbial or other origin containing functional units of heredity of actual or potential value.

Source: <http://goo.gl/yuTChd>

Goods (Ajnas)

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Tangible movable property. They include movable things that are attached to other immovable or movable property.

Source: <http://goo.gl/Jh3FS7>

As defined by Procurement Law:

Objects of every kind including, equipment, products, raw materials whether in solid, liquid, or gaseous form, electricity, and services incidental to the provision of the goods provided that the value of such services does not exceed that of the goods.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

Objects of every kind and description including raw materials, products and equipment, and objects in solid, liquid, or gaseous form, and electricity, and encompasses services incidental to the provision of the goods if the value of those incidental services does not exceed that of the goods themselves.

Source: <http://goo.gl/PtjQPF>

Government Buildings and Facilities

As defined by Law on Campaign Against Financing Terrorism:

Buildings, movable instruments and any permanent or temporary facility that is used or occupied by any employee of a state or an intergovernmental organization or other authorities of a state in connection with their official duties.

Source: <http://goo.gl/rbKgbP>

Governmental Organizations

As defined by Law on Debt Collection:

State Enterprises, the firm or business enterprise which more than half fund belong to state, municipalities, Marastoon (the house of most vulnerable people or house of asylums) and all other public organizations.

Source: <http://goo.gl/yx02bU>

Gratuitous Promise

A promise that is not an enforceable contract because it lacks consideration.

Gross Weight

As defined by the National Procurement Authority (NPA):

The weight of a package/ article, in a consignment, including that of its container and other packaging material.

Source: <http://goo.gl/PtjQPF>

Group of Enterprises

As defined by the Banking Law:

A parent company, its subsidiaries, and all associated enterprises of the parent company and its subsidiaries.

Source: <http://goo.gl/6uuIUg>

Guarantee

As defined by the National Procurement Authority (NPA):

A surety by which one person undertakes to be answerable to another for the performance of some act by a third person. Usually guarantees are issued by banks. Guarantee is also used as synonymous for warranty.

Source: <http://goo.gl/PtjQPF>

Guarantee of Payment

As defined by Article 831(1) of Civil Law:

All properties of debtor shall be used as guarantee for payment of his debt.

Source: <https://goo.gl/ZWDFP4>

Habitat/Species Management Area

As defined by Islamic Republic of Afghanistan Environment Act:

An area managed mainly for conservation through management intervention designed to ensure the maintenance of habitats and to meet the requirements of specific species.

Source: <http://goo.gl/yuTChd>

Harmful Child Labor

As defined by the Minerals Law:

The employment of persons under the age of eighteen years who are economically simply exploitable; and the work interferes with the child's education, is harmful to their health and has a mal effect on the child's physical, mental, or social development.

Source: <http://goo.gl/9rJGcK>

Harvestable Species As defined by Islamic Republic of Afghanistan Environment Act:

A species that may be taken for commercial, sport, hunting or subsistence purposes.

Source: <http://goo.gl/yuTChd>

Hazardous Substance As defined by Islamic Republic of Afghanistan Environment Act:

Any pesticide, herbicide or other biocide, radioactive substance, chemical or other substance that alone or in combination with any other thing, is harmful to the health of living organisms.

Source: <http://goo.gl/yuTChd>

Hazardous Waste As defined by Islamic Republic of Afghanistan Environment Act:

Clinical waste and waste containing hazardous substances.

Source: <http://goo.gl/yuTChd>

Health and Safety Plan As defined by the Minerals Law:

A description of the potential health and safety hazards for any project based upon the specific activities being or to be carried out. The response plan for such hazards is designed and implemented through provision of technically appropriate equipment, better implementation of relevant measures, and adoption of accurate methods.

Source: <http://goo.gl/9rJGcK>

Hedayat e Rasmi As defined by Customs Law:

Any official order.

Source: <http://goo.gl/DLKZjK>

Hedging

As defined by the National Procurement Authority (NPA):

A purchase made by a procuring entity to protect itself against the effect of price fluctuations over which it has no control and over which it does not wish to speculate. A basic principle of a price hedge is to take an equal but opposite position on the futures market to the physical metal's delivery position.

Source: <http://goo.gl/PtjQPF>

Hisbah

As defined by the Universal Islamic Declaration of Human Rights:

Public vigilance, an institution of the Islamic State enjoined to observe and facilitate the fulfillment of right norms of public behavior. The "Hisbah" consists in public vigilance as well as an opportunity to private individuals to seek redress through it.

Source: <http://goo.gl/4Mlpo1>

Holder in Due Course

As defined by Negotiable Instrument Law:

Any person who for consideration becomes holder of an Instrument before it became overdue and without notice of defective title under Negotiable Instrument Law.

Source: <http://goo.gl/BqZ7gq>

Holder of Authorization

As defined by Customs Law:

The person to whom an authorization has been granted.

Source: <http://goo.gl/DLKZjK>

Horizontal Equity

A principle that calls for similarly situated taxpayers to be treated similarly under the tax laws (e.g., taxpayers with similar incomes should pay similar amounts of tax).

Hotel or Guest House Services

As defined by Afghanistan Income Tax Law:

The provision of sleeping accommodation and related services (including meals, beverages, laundry, and telecommunication services) to persons who occupy such accommodation temporarily as a traveler.

Source: <http://goo.gl/AGtuLK>

Hydrocarbons

As defined by the Law of Petroleum and Gas (Hydrocarbons):

Petroleum and gas and their other derivatives.

Source: <http://goo.gl/thT5go>

Hydrocarbons Contract

As defined by Afghanistan Income Tax Law:

An exploration contract or service contract described in any applicable law affecting hydrocarbons in Afghanistan. Hydrocarbons are petroleum, gas, and other derivatives therefrom.

Source: <http://goo.gl/AGtuLK>

Iddah

As defined by the Universal Islamic Declaration of Human Rights:

The waiting period of a widowed or divorced woman during which she is not to re-marry.

Source: <http://goo.gl/4Mlpo1>

Identical Bid

As defined by the National Procurement Authority (NPA):

An offer from a bidder in response to an invitation to bid which is similar in all respects to another submitted by another bidder.

Source: <http://goo.gl/PtjQPF>

If Unsold

As defined by the National Procurement Authority (NPA):

A conditional offer made by a bidder to supply the goods if these are not sold elsewhere between the time of the bid/ offer is made and the award of the contract.

Source: <http://goo.gl/PtjQPF>

Ijara

As defined by the Banking Law of 2015:

An agreement whereby the owner of an asset transfers its usufruct to a lessee for a specific period against an agreed rental.

Source: <http://goo.gl/6uuIUg>

Immediate Contract

As defined by Article 1593 of Civil Law:

In an immediate contract, agent shall be obligated to deliver the object of sale to buyer upon taking delivery of price.

Source: <https://goo.gl/ZWDFP4>

Immediate Exercise of Preemption

As defined by Article 2228 of Civil Law:

Immediate exercise of preemption right means that preemptor, immediately exercises the preemption right in the session where he acquires knowledge about sale, buyer, and price without issuing anything that indicates his withdrawal and asks witness for his exercise of the right due to fear of denial

of buyer.

Source: <https://goo.gl/ZWDfP4>

Immovable Property

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Property that could not be moved without change in shape and substance and include house, building, land, and fixed assets.

Source: <http://goo.gl/zVsjuu>

As defined by Article 478 of Civil Law:

Immovables are those objects that have a fixed base and their transportation, without destruction, is impossible. Objects that are not of this characteristic are deemed as movables.

Source: <https://goo.gl/ZWDfP4>

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Property that could not be moved without decomposition and change in shape and substance and include house, building, land, and fixed assets.

Source: <http://goo.gl/Jh3FS7>

Implied Contract

A contract that may not have all four requirements of a standard contract, but which is inferred by the court for the sake of fairness.

Import Duties

As defined by the National Procurement Authority (NPA):

Taxes imposed by governments on imports of goods from abroad. The duties are levied to (a) raise revenues and/ or to (b) provide protection to domestic industry.

Source: <http://goo.gl/PtjQPF>

Import Duty

As defined by Customs Law:

Customs duty on the importation of goods.

Source: <http://goo.gl/DLKZjK>

Import License

As defined by the National Procurement Authority (NPA):

A permit granted, usually by a designated government authority, authorizing the holder to import the particular article indicated in the permit. The permit may also indicate the quantity and/ or the value limit of import and at times the country or the geographical region/ monetary area from which imports may be made.

Source: <http://goo.gl/PtjQPF>

Import Restrictions

As defined by the National Procurement Authority (NPA):

Direct regulation of the quantity or types of goods imported into a country, largely through licenses or quotas.

Source: <http://goo.gl/PtjQPF>

In Bond

As defined by the National Procurement Authority (NPA):

Goods on which import duty has not been paid are held in warehouses supervised by customs officials till such time the duty is paid, or goods are re-exported, or otherwise dealt with as directed by the authorities.

Source: <http://goo.gl/PtjQPF>

Incapacity

As defined by Article 319 of Civil Law:

A pubescent person shall be condemned to incapacity due to insanity, losing discretion, prodigality, or recklessness in administering properties.

Source: <https://goo.gl/ZWDfP4>

Incomplete Capacity

As defined by Article 41 of Civil Law:

A person with discretion who has not attained the age of majority or has attained the age of majority but is prodigal or forgetful is considered as having incomplete capacity.

Source: <https://goo.gl/ZWDfP4>

Incoterms

As defined by the National Procurement Authority (NPA):

A set of trade terms for which precise definitions have been set down by the International Chamber of Commerce, Paris, which, when used in a contract, clearly indicate the rights and obligations of the procuring entity and the supplier.

Source: <http://goo.gl/PtjQPF>

Indemnity

As defined by the National Procurement Authority (NPA):

An undertaking which affords protection against loss or damage. Cargo insurance is an indemnity in as much as in the event of loss or damage the insurance company indemnifies (makes good) the loss to the consignees or consignor.

Source: <http://goo.gl/PtjQPF>

Independent Member of the Board of Supervisors of a Bank

As defined by the Banking Law:

An independent member is:

- (1) Not a member of the management board or an employee of the bank or of any enterprise in the same

group as the bank.

- (2) Does not have a qualifying holding in the bank or of any enterprise in the same group as the bank.
- (3) Is not a significant borrower from the bank, or a member of the board of supervisors, management board, or any equivalent body, or an employee of a significant borrower from the bank as defined by regulation of Da Afghanistan Bank.
- (4) Does not have a business relationship with the bank, or with any enterprise in the same group as the bank, which could impair his independence, as defined by regulation of Da Afghanistan Bank.
- (5) Is not a close relative of the person described in any of the sub-paragraphs (1) through (4).

Source: <http://goo.gl/6uuIUg>

Indigent

As defined by Advocates Law of the Islamic Republic of Afghanistan:

Any person who cannot afford to pay for a defense attorney in criminal cases.

Source: <http://goo.gl/LvjPgj>

Indirect Claim

As defined by Article 832 of Civil Law:

Creditor may exercise debtor's rights on behalf of debtor, even if debt is not due yet, provided that the mentioned right is not of non-financial exclusive rights of person of debtor, or it is not possible to be attached.

Source: <https://goo.gl/ZWdfP4>

Industrial Mineral and Stones

As defined by the Minerals Law:

Barite, bentonites, borates, diatomite, massive rocks, quartzites, basalts, diorites, kaolinites, magnesites, silicates, phosphates, zeolites, and such other minerals that may be designated as industrial minerals and stones from time to time in the Mining Regulations.

Source: <http://goo.gl/9rJGcK>

Industrial Use

As defined by Counter Narcotics Drug Law:

A drug whose exclusive use is in a manufacturing process.

Source: <http://goo.gl/Jd1J6Z>

Ineligible Bidder

As defined by the National Procurement Authority (NPA):

A bidder who may have been disqualified to bid/ offer for anyone of such reasons as: unsatisfactory past performance, attempts at influencing the awards, or else inability to meet the pre-qualification standards for inclusion in the list of approved bidders (holding the requested business license, nationality, etc.).

Source: <http://goo.gl/PtjQPF>

Informal Economy (also Unofficial Economy).

Economic activity that is neither taxed nor monitored by a government and not included in a government's Gross Domestic Product (GDP).

Infrastructure

As defined by Law on Private Investment in Afghanistan:

Any equipment, facilities or service that is provided for the benefit of or utilized by the public or any section of the public and shall include, without limitation:

- (1) Power generation or transmission facilities.
- (2) Water supply and treatment facilities.
- (3) Sewerage or sewage treatment facilities.
- (4) Waste-treatment or disposal facilities.
- (5) Airport facilities and facilities in the health and education sectors.
- (6) Telecommunications and broadcasting facilities.
- (7) Any other service or facility that is designated by the competent authorities as infrastructure in accordance with the provisions of the Law on Private Investment in Afghanistan.

Source: <http://goo.gl/NQhQgY>

Initiation Authority

As defined by Procurement Law:

The entity or person with authority to initiate procurement proceedings, in accordance with the levels of authority in Annex A of Procurement Law.

Source: <http://goo.gl/4JjsGd>
<http://goo.gl/PtjQPF>

Innocence

As defined by Article 1 of Penal Code:

Innocence (acquittal) is the original state. The accused shall be considered innocent as long as he is not convicted by a final verdict of a competent court.

Source: <http://goo.gl/X0Ywpj>

In-Situ Conservation

As defined by Islamic Republic of Afghanistan Environment

Act:

The conservation of ecosystems and natural habitats and the maintenance and recovery of species in their natural surroundings.

Source: <http://goo.gl/yuTChd>

Inspection

As defined by the National Procurement Authority (NPA):

A survey carried out by a procuring entity or his agent to determine whether the goods or services conform to the specifications respectively the terms of reference laid down in the contract. This inspection may be carried out while goods are in the process of manufacture, before shipment or after shipment as well as throughout the implementation of a project. It includes the process of measuring, examining, testing, gauging or otherwise comparing activities and results with applicable requirements as specified in the contract.

Source: <http://goo.gl/PtjQPF>

Inspection Lot-Sampling

As defined by the National Procurement Authority (NPA):

Where the number of items is large and 100% inspection time consuming, inspection is carried out by taking a sample from a lot and accepting or rejecting the lot depending on the number of defectives in the sample being less or greater than the acceptable number. For services, a similar activity can be carried out focusing on milestones identified for the particular project.

Source: <http://goo.gl/PtjQPF>

Institution

As defined by Article 455 of Civil Law:

A legal personality that is established for carrying out humanitarian, religious, technical or supportive services by

allocating properties for an indefinite period of time and is run for non-profitable purposes.

Source: <https://goo.gl/ZWDfP4>

Instrumentality

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Any funds and property used or intended to be used in any manner, wholly or in part, to commit one or more criminal offences.

Source: <http://goo.gl/6R7m5d>

Insurance

As defined by Insurance Law:

A contract concluded between the insurer and the insured by virtue of which the insurer undertakes to compensate the losses of insured against receipt of a fixed insurance premium.

Source: <http://goo.gl/czjs6F>

As defined by Article 1644 of Civil Law:

A contract on the basis of which insurer undertakes to pay the insured person or a person to the interest of whom insurance has been concluded an amount of money or regular payments or other financial compensation in case of occurrence of accident or a danger that is specified in contract in return for a sum of money that the insured person pays at once or in installments.

See also: fire insurance

Source: <https://goo.gl/ZWDfP4>

As defined by Article 866 of Commercial Code:

A contract by which an insurance company undertakes to compensate (by paying a certain amount of money) for losses

and damages incurred by persons due to designated accidents and force majeure in exchange for an amount of money.

Source: <https://goo.gl/A9f0U9>

Insurance Policy

As defined by Insurance Law:

A legal document submitted by the insurer to the insured as an insurance agreement.

Source: <http://goo.gl/czjs6F>

Insurance Premium

As defined by Insurance Law:

Pertains to the amount which the insured pays to the insurance company for obtaining the insurance policy.

Source: <http://goo.gl/czjs6F>

Insurance Reserves

As defined by Insurance Law:

Financial funds which are created out of revenues of the insurance company for compensation of losses, operational expenses of the insurance company and payments against reinsurance.

Source: <http://goo.gl/czjs6F>

Insured

As defined by Insurance Law:

A natural or legal person which concludes one of the insurance policies personally or as a proxy for his own or for someone else's interests.

Source: <http://goo.gl/czjs6F>

Insured Amount

As defined by Insurance Law:

The maximum commitment of the insurer vis-à-vis the sustained losses which is stipulated in the insurance policy.

Source: <http://goo.gl/czjs6F>

Insured Value

As defined by the National Procurement Authority (NPA):

The monetary value of the insured property as shown in the policy plus insurance charges. To cover renewed acquisition and other costs involved with the loss of material often 110% of the value is insured as a standard international practice.

Source: <http://goo.gl/PtjQPF>

Insurer

As defined by Insurance Law:

An insurance company.

Source: <http://goo.gl/czjs6F>

Integrated Environmental Management

As defined by Islamic Republic of Afghanistan Environment Act:

The application of tools that ensure the identification of likely adverse effects of human activity on the environment, identification of options for mitigating such effects, and strengthening the fundamental principles set out in Article 5 of this Act.

Source: <http://goo.gl/yuTChd>

Integrated Pollution Control

As defined by Islamic Republic of Afghanistan Environment Act:

The holistic system aimed at pollution prevention and minimization at source, managing the impact of pollution and waste on the receiving environment and remediation of

damaged and polluted environments.

Source: <http://goo.gl/yuTChd>

Intellectual Property

As defined by the National Procurement Authority (NPA):

Property of a nonphysical nature capable of being transferred from one party to another.

Source: <http://goo.gl/PtjQPF>

Interchangeability

As defined by the National Procurement Authority (NPA):

The suitability of a product(s) to be used in place of other product(s) to fulfil the relevant requirements. The functional aspect of interchangeability is called functional interchangeability, and the dimensional aspect, dimensional interchangeability.

Source: <http://goo.gl/PtjQPF>

Interconnection

As defined by Law for Regulating Telecommunication Services:

The physical, technical, and logical linking of one telecom network to other telecom networks, in order to ensure that Users of one telecom network are able to communicate with users of other telecom networks.

Source: <http://goo.gl/T1vM59>

Inter-Ministerial Commission

As defined by the Minerals Law:

A commission of ministers established for addressing the mineral operation issues in accordance with the provisions of Article 7 and Article 17 of Minerals Law.

Source: <http://goo.gl/9rJGcK>

Internal Sources

As defined by Afghanistan Income Tax Law:

The income derived by persons from Afghan and non-Afghan sources within Afghanistan.

Source: <http://goo.gl/AGtuLK>

International Accounting Standards

As defined by the Afghanistan Bank Law:

The most recent international accounting standards issued by the International Accounting Standards Committee.

Source: <http://goo.gl/h3iGQk>

International Competitive Bidding (ICB)

As defined by the National Procurement Authority (NPA):

A procurement procedure where bidding is open to all local or international legal entities interested to submit a bid.

Source: <http://goo.gl/PtjQPF>

Invalid Divorce

As defined by Article 141 of Civil Law:

Divorce by the following persons is not valid:

- (1) Insane, unless he has suspended divorce to a condition prior to insanity and the condition has materialized at the time insanity.
- (2) Un-discerning.
- (3) Under duress.
- (4) Asleep
- (5) Person whose sanity has been deranged as a result of old age or disease.

- (6) Senseless person who has lost his discerning ability due to anger or other factors and cannot understand his own words.

Source: <https://goo.gl/ZWDfP4>

Inventory

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Goods held by a person for sale or lease. It includes goods that are to be furnished pursuant to a contract of service.

Source: <http://goo.gl/Jh3FS7>

As defined by the National Procurement Authority (NPA):

A complete list or statement of the stock of all raw materials, parts, components, work-in-progress and/ or finished goods in possession of an organization at a point of time. For stock control purposes, particularly of raw materials, an enumeration of goods received, issues effected and balance at hand is done on a day-to-day basis or at periodical intervals, as part of efficient inventory and stores management. For balance sheet purposes the usual approach is to take stock of inventories and evaluate them at the end of an accounting year. However, the practice of a perpetual inventory system, indicating day to day changes is now being used more for better financial control.

Source: <http://goo.gl/PtjQPF>

Inventory Carrying Costs

As defined by the National Procurement Authority (NPA):

Monetary cost of holding stocks. These consist of:

- (1) Interest on blocked capital.

- (2) Cost of handling the material.
- (3) Storage or warehousing costs.
- (4) Premium on insurance (for theft, fire, etc.).
- (5) Deterioration; and,
- (6) Obsolescence.

Source: <http://goo.gl/PtjQPF>

Inventory Control

As defined by the National Procurement Authority (NPA):

A functional aspect of inventory management, which seeks to ensure that stocks of raw materials, parts, and components, are at an optimal level, which is neither too low in relation to expected usage, nor too high as to increase avoidable holding costs.

Source: <http://goo.gl/PtjQPF>

Investment

As defined by Law on Private Investment in Afghanistan:

Currency and contributions in kind, including, without limitation, licenses, leases, machinery, equipment, and industrial or intellectual property rights, paid or provided for the purpose of acquiring shares of stock or other ownership interests in an approved enterprise.

Source: <http://goo.gl/NQhQgY>

Irreversible Divorce

As defined by Article 146 of Civil Law:

Divorce in the following cases is irreversible:

- (1) The third divorce.

- (2) Divorce before consummation of marriage.
- (3) Divorce in exchange for consideration.
- (4) Divorce recognized as irreversible in this Law.

Source: <https://goo.gl/ZWDFP4>

Islamic Bank

According to Banking Law of Afghanistan:

A bank which functions in accordance with Sharia Law.

Source: <http://goo.gl/kPeXjy>

Islamic Banking Window

As defined by the Banking Law:

A department or division of a conventional bank that engages in Islamic banking activities and provides Islamic banking services.

Source: <http://goo.gl/6uuIUg>

Islamic Investment Account

As defined by the Banking Law:

An account opened with an Islamic bank or an Islamic banking window into which a customer deposits funds to be invested by the Islamic bank in compliance with the Sharia.

Source: <http://goo.gl/6uuIUg>

Isolation Distance

As defined by Seed Law:

The established distance between varieties for growing certified seed.

Source: <http://goo.gl/BG5xjf>

Istesna

According to Banking Law of Afghanistan:

A contract in which the customer requests a manufacturer to produce and deliver to him a specific good at an agreed price and time.

Source: <http://goo.gl/kPeXjy>

Istiana

As defined by Article 1510 of Civil Law:

A contract for manufacturing a specific object in exchange for a specified price in such a way that contract is based on the object itself, not on the work of manufacturer.

Source: <https://goo.gl/ZWDFP4>

Joint Bid

As defined by the National Procurement Authority (NPA):

A bid/ offer submitted by a group of companies and/ or individuals which have formed a grouping (consortium) to bid for and (if awarded) implement a specific project. One lead company has to represent and act on behalf of all other members of the consortium towards the procuring entity. Nevertheless, each member of the consortium remains jointly and severally liable for the fulfilment of the tender respectively the implementation of the contract.

Source: <http://goo.gl/PtjQPF>

Joint Stock Company

As defined by Article 266 of Commercial Code:

A company that is established under a designated title for the purpose of conducting commercial transactions, with a designated capital that is divided into shares, and the liability of each partner is limited to the extent of his share.

Source: <https://goo.gl/A9f0U9>

Joint Surety

As defined by Article 878 of Civil Law:

When joint surety exists among debtors, creditor may claim all

of the debt from all of the debtors or from any one of them that he wishes. Claiming debt from one does not preclude claiming from other debtors.

Source: <https://goo.gl/ZWDFP4>

Joint-Stock Company

A type of business entity: it is a type of corporation or partnership involving two or more legal persons. Certificates of ownership (or stocks) are issued by the company in return for each financial contribution, and the shareholders are free to transfer their ownership interest at any time by selling their stockholding to others. A joint-stock company offers the protection of limited liability; a shareholder is not liable for any of the company's debt beyond the face value of their shareholding.

Jurisdiction

As defined by the National Procurement Authority (NPA):

The legal power to administer and enforce the law, the exercising of this power, the region within this power is valid or in which a person has authority.

Source: <http://goo.gl/PtjQPF>

Khalifah

As defined by the Universal Islamic Declaration of Human Rights:

The vicegerency of man on earth or succession to the Prophet, transliterated into English as the Caliphate.

Source: <http://goo.gl/4Mlpo1>

Khul'a

As defined by the Universal Islamic Declaration of Human Rights:

A divorce a woman obtains at her own request.

Source: <http://goo.gl/4Mlpo1>

Knocked Down (CKD) As defined by the National Procurement Authority (NPA):

Articles procured as parts and in unassembled form and referred to as in knocked down condition.

Source: <http://goo.gl/PtjQPF>

Kohl' As defined by Article 156 of Civil Law:

Dissolution of marriage contract in exchange for property that wife pays husband.

Source: <https://goo.gl/ZWDfP4>

Labor Contract As defined by the Labor Code of the Democratic Republic of Afghanistan:

The agreement reached between those covered by the specified categories of the staff and the office, on the basis of which the member is, according to specified conditions, obliged to perform the work according to the specialty, skill and the duties assigned while observing the internal regulations of the office, and, reciprocally, the office is obliged to ensure payment of wages and working conditions as provided in the Labor Code, collective agreement and mutual agreement (consent).

Source: <http://goo.gl/w5zAeR>

As defined by Article 1529 of Civil Law:

A contract on the basis of which one of the parties undertakes to provide a service for the other party under his guidance in exchange for a specific fee.

Source: <https://goo.gl/ZWDfP4>

Lack of Capacity As defined by Article 40 of Civil Law:

If a person who lacks discretion due to minority of age, mental retardation, or insanity, cannot conclude legal transactions. Persons under the age of 7 years old are considered as lacking discretion.

Source: <https://goo.gl/ZWDFP4>

Land

As defined by the Land Reform Law:

Land is the area that is under existing agricultural exploitation.

Source: <http://goo.gl/MgM2b7>

Land Holding

As defined by the Land Reform Law:

One or more plots of land which are recognized as private property in accordance with legal authenticated documents.

Source: <http://goo.gl/MgM2b7>

Land Plot

As defined by the Decree on Distribution and Sale of State-Owned Land for Residential, Commercial and High-Rise Buildings in Kabul City:

A portion of land distributed to the eligible persons in residential project for construction of houses and commercial activities.

Source: <http://goo.gl/AKUT9y>

Landed Price

As defined by the National Procurement Authority (NPA):

A price including the cost of the goods, transportation, insurance, and other cost incidental to delivery to the location specified by the purchaser. It also includes import duty where applicable.

Source: <http://goo.gl/PtjQPF>

Laquata

As defined by Article 519 of Penal Code:

Lost or abandoned goods.

Source: <http://goo.gl/X0Ywpj>

Larceny

As defined by Article 454(2) of Penal Code:

A person who secretly carries away the personal goods, either moveable or "Maqtoom" of another shall be considered guilty of larceny.

Source: <http://goo.gl/X0Ywpj>

Large Exposure

As defined by the Banking Law:

Any exposure to a single person or group of connected persons that exceeds ten percent of regulatory capital of the bank.

Source: <http://goo.gl/6uuIUg>

Late Bid

As defined by the National Procurement Authority (NPA):

A bid/ offer received after the closing time and date indicated in the bidding documents issued. A late bid shall always be returned unopened to the bidder.

Source: <http://goo.gl/PtjQPF>

Latent Defect

As defined by the National Procurement Authority (NPA):

A defect in a product that is normally difficult to notice visually or through ordinary and reasonable inspection and which becomes apparent in the course of its use.

Source: <http://goo.gl/PtjQPF>

Lay Days

As defined by the National Procurement Authority (NPA):

The number of days during which a vessel may load or unload without involving demurrage or dispatch. The days may be counted as running days (including weekends and other holidays), as working days (excluding Sundays and other holidays), or as weather working days, the days on which weather permits to proceed with loading/ unloading.

Source: <http://goo.gl/PtjQPF>

Lead Time

As defined by the National Procurement Authority (NPA):

The period of time from date of placing the order with a supplier to the date by which the goods are delivered by him and received by the procuring entity. In inventory management, one has to allow for reasonable lead time (based on experience) so that orders are placed well ahead of requirements, providing for the delivery time as well as the time for haulage of the goods to the procuring entity's warehouse, so as to avoid the possibility of a stock out.

Source: <http://goo.gl/PtjQPF>

Lease Contract

As defined by Article 1322 of Civil Law:

Lease contract shall mean transfer of ownership of the concerned profit of the leased property by lessor, to lessee in exchange for a consideration that is replaceable.

Source: <https://goo.gl/ZWDFP4>

Legal Action

As defined by Article 493 of Civil Law:

Legal action is verbal action that emanates from decisive will of person for creating certain legal effect in accordance with provisions of law.

Source: <https://goo.gl/ZWDfP4>

Legal Aid Provider

As defined by Advocates Law of the Islamic Republic of Afghanistan:

An advocate who is appointed by the Ministry of Justice as a defense attorney for indigents in criminal cases.

Source: <http://goo.gl/LvjPgj>

Legal Element

As defined by Article 37 (1) of Penal Code:

The legal element of crime is the description of criminal acts and their punishments in the law.

Source: <http://goo.gl/X0Ywpj>

Legal Event

As defined by Article 496 of Civil Law:

A practical action that occurs with or without will of person and law has granted it certain effects.

Source: <https://goo.gl/ZWDfP4>

Legal Person

As defined by Article 337 of Civil Law:

An abstract personality that has legal capacity and is established, for certain objectives, in the form of organization, company or association.

Source: <https://goo.gl/ZWDfP4>

Legitimate Right of Defense

As defined by Article 58 of Penal Code:

Legitimate right of defense permits the threatened person to make use of any necessary means for the purpose of defending against any criminal act that poses a material loss or danger of life to the defender or someone else.

Source: <http://goo.gl/X0Ywpj>

Lender

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A person who in accordance with the provisions of De Afghanistan Bank Law and Banking Law is engaged in banking affairs inside or outside the country and has due financial rights or enforceable obligations over another person.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

A Person who in accordance with the provisions of Da Afghanistan Bank Law and Banking Law is engaged in banking affairs inside or outside the country and has due financial rights and enforceable obligations over another Person.

Source: <http://goo.gl/zVsjuu>

Lending

As defined by Article 1456 of Civil Law:

Lending is pledge of lender to deliver benefit of a property to borrower without exchange for a designated period or specific purpose, provided that he returns it after use.

Source: <https://goo.gl/ZWDfP4>

Letter of Credit

As defined by the National Procurement Authority (NPA):

An order from a banker (or other person) at one place to his agent abroad (a foreign bank) authorizing him to pay a given sum to the person or company named therein. Commercial letters of credit are extensively used as means of overseas payments. This requires the procuring entity to request his banker to open a letter of credit for a specified amount favoring the supplier and negotiable by a supplier's bank in his

country. The procuring entity indicates in the application of credit to the opening bank the conditions which should be fulfilled by the supplier (e.g., submission of bill of lading and other documentation) and upon the fulfilment of which only should the negotiating bank release the money.

Source: <http://goo.gl/PtjQPF>

Letter of Indemnity

As defined by the National Procurement Authority (NPA):

A letter issued by the supplier to the effect that he will be responsible for losses or damage arising from any faulty packaging.

Source: <http://goo.gl/PtjQPF>

Letter of Intent

As defined by the National Procurement Authority (NPA):

A preliminary quasicontractual arrangement by letter customarily used in circumstances where the goods, works or services, quantities, price, and delivery dates are known, but where principal contract provisions may require additional time-consuming negotiations. A letter of intent is used to enter into interim agreement, pending a definite contract so as to permit the start of services, construction, production, or delivery of supplies or materials.

Source: <http://goo.gl/PtjQPF>

Leverage Ratio

As defined by the Banking Law:

The ratio of core capital to total assets without regard to risk-weighting.

Source: <http://goo.gl/6uuIUg>

License

As defined by Islamic Republic of Afghanistan Environment

Act:

A formal written document issued to applicants by the National Environmental Protection Agency in relation to pollution control, waste management, hazardous wastes and other similar such activities regulated by the Environment Act.

Source: <http://goo.gl/youTChd>

As defined by Law for Regulating Telecommunication Services:

The written document which is issued by the Telecommunication Regulatory Authority to applicants for provision of telecommunication services in the country, in accordance with the provisions of this Law.

Source: <http://goo.gl/T1vM59>

As defined by the Law of Petroleum and Gas (Hydrocarbons):

A permit granted for petroleum and gas (hydrocarbons) operations according to the provisions of the Law of Petroleum and Gas (Hydrocarbons).

Source: <http://goo.gl/thT5go>

License to Practice

As defined by Advocates Law of the Islamic Republic of Afghanistan:

A printed document with legal validity, the form and content of which to be determined by the Afghanistan Independent Bar Association.

Source: <http://goo.gl/LvjPgj>

Licensing

As defined by the National Procurement Authority (NPA):

The word is used in many different contexts. Essentially it means a document giving right to a person or a firm which it would not otherwise have. In business it may mean a legal arrangement transferring the rights to manufacture, or to market, a product or service rights to another. Such an arrangement is usually formalized by a document. There might be a consideration, perhaps in the form of a regular fee, or of a commission or royalty. In many countries, licensing is used as a method of deciding who should sell what.

Source: <http://goo.gl/PtjQPF>

Lien

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

An involuntary right in movable property of a debtor which is given to secure performance of obligations.

Source: <http://goo.gl/Jh3FS7>

As defined by the National Procurement Authority (NPA):

A right by which one person, usually a creditor, has to retain possession (property) of the goods of another until such times as the owner of the goods does not clear the liabilities. A common instance of a lien is the right of a carrier to retain possession of the goods and not deliver these until his charges are paid.

Source: <http://goo.gl/PtjQPF>

Lienholder

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A natural or juridical person which holds a lien in movable property.

Source: <http://goo.gl/Jh3FS7>

Life-Cycle Costing

As defined by the National Procurement Authority (NPA):

A procurement technique for evaluation of bids/ offers that considers, besides acquisition costs (price), other cost elements of maintenance, operating, etc., in evaluating different supply bids/ offers to compare and to select the one with the lowest total cost for the entire period over which the product is expected to be in use.

Source: <http://goo.gl/PtjQPF>

Limited Agency

As defined by Article 1561 of Civil Law:

In limited agency, agent shall be limited to perform affairs specified in agency and their ancillaries required by nature of the affairs and current custom.

See also: agency

Source: <https://goo.gl/ZWDfP4>

Limited Assignment

As defined by Article 1719 of Civil Law:

Limited assignment is that debtor assigns payment to his creditor of the debt that assignee owes to debtor with such a qualification that assignee pays it from the debt he owes to assignor or from the property deposited with him or from the usurped property.

See also: assignment of debt, absolute assignment

Source: <https://goo.gl/ZWDfP4>

Limited Liability Company (Sherkat-Mahdudul Massoliat)

As defined by Afghanistan Income Tax Law:

A company in which the partners (shareholders) are not individually liable for debts of the company, but each partner

(shareholder) has liability limited to their shares of capital in the company.

Source: <http://goo.gl/AGtuLK>

As defined by Article 456 of Commercial Code:

Commercial companies whose capital is not divided into shares and liability of each of partners is limited to his subscribed capital of the company.

See also: commercial companies, limited partnership, general partnership, joint stock company, and cooperate company.

Source: <https://goo.gl/A9f0U9>

Limited Mozarebat

As defined by Article 1261(2) of Civil Law:

Limited Mozarebat partnership is the one that is limited to time, place and type of transaction, or determination of seller and buyer.

See also: absolute mozarebat, limited mozarebat, mozareb

Source: <https://goo.gl/ZWDfP4>

Limited Partnership of Capital and Labor

As defined by the Ottoman Courts Manual:

A type of partnership where there is no limitation as to time or place, or any particular type of commerce, or any particular vendor or purchaser. If there is any limitation in respect to any of these matters, the partnership is a limited partnership.

Source: <http://goo.gl/QGqmLX>

Liner Terms

As defined by the National Procurement Authority (NPA):

Terms of affreightment under which loading and discharging expenses will be to the ship owner's account. Liner terms are commonly applied by liner carriers.

Source: <http://goo.gl/PtjQPF>

Liquid Assets

As defined by the Banking Law:

The sum of: cash in vault; current account with DAB; demand deposits with banks; time deposits with banks; loans to banks; other receivables from banks; loans to other financial institutions; claims under securities, repurchase agreements; foreign securities – securities issued by counterparts in the trading account; foreign debt securities – securities issued by category counterparties in the held-to-maturity account; foreign debt securities – securities issued by category counterparties in the available-for-sale account.

Source: <http://goo.gl/6uuIUg>

Liquid Hydrocarbons

As defined by the Law of Petroleum and Gas (Hydrocarbons):

Crude oil, asphalt and all other kind of hydrocarbons and bitumen regardless of gravity which are produced at the wellhead in a liquid or solid state at ambient conditions of temperature and atmospheric pressure, or which are obtained from natural Gas by condensation or extraction.

Source: <http://goo.gl/thT5go>

Liquidated Damages

Because the damages that result from a breach of contract may sometimes be difficult to define, parties to a contract may choose to protect themselves from this uncertainty by including a liquidated damages provision in their contract. With a liquidated damages provision, the parties will agree beforehand as to the value of the remedy that will be paid in the event of breach. Courts will honor a liquidated damages provision as long as they see that the parties made a good-faith effort to base the amount of the liquidated damages on the actual damage that will result from the breach. The court will

not enforce a liquidated damage that they view as purely punitive.

As defined by the National Procurement Authority (NPA):

Damages that become due to one of the parties to a contract when the other party fails to fulfil his contractual obligations, that is, there is a breach of contract on his part. Liquidated damages are usually specified in the contract itself and need not be related to an actual loss.

Source: <http://goo.gl/PtjQPF>

Liquidity Borrowing

As defined by Public Finance and Expenditure Law:

The contracting of short terms loans for a period of up to 3 months to finance temporary shortfalls in budget liquidity resulting from fluctuations of unbalanced movements in revenues and expenditures during the execution of the budget.

Source: <http://goo.gl/IvtMtn>

List Price

As defined by the National Procurement Authority (NPA):

The prices published in a catalogue or any similar publication by a producer (or trader) from time to time. Often list prices are indicative prices on which discounts are offered.

Source: <http://goo.gl/PtjQPF>

Living Modified Organism

As defined by Islamic Republic of Afghanistan Environment Act:

Any living organism that possesses a novel combination of genetic material obtained through the use of modern technology.

Source: <http://goo.gl/yuTChd>

Living Organism

As defined by Islamic Republic of Afghanistan Environment Act:

Any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses, and viroids.

Source: <http://goo.gl/yuTChd>

Loan

As defined by Article 1288 of Civil Law:

A contract whereby one of the parties transfer ownership of cash or certain fungible property to the other party so that the other party returns its similar in quality, quantity, and attribute to lender at the designated deadline.

Source: <https://goo.gl/ZWDFP4>

Loan Agreement

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

A written agreement between the mortgagor and the mortgagee to secure one or more transactions.

Source: <http://goo.gl/zVsjuu>

Location Clause

As defined by the National Procurement Authority (NPA):

A clause in a cargo insurance contract which limits insurance cover for a loss at any place prior to loading on to the vessel. This means that the value of the assured cargo in any one location can be higher than the stated limit and it will continue to be insured for that higher value but if it is damaged by, say a fire in a warehouse, the claim will extend only up to the stated limit.

Source: <http://goo.gl/PtjQPF>

Location of Mortgagor As defined by Law on Mortgage of Immovable Property in Banking Transactions:

- (1) Mortgagor's principal place of business. If not available, it is the place of residence of mortgagor.
- (2) A corporation's location is where it was incorporated.

Source: <http://goo.gl/zVsjuu>

Logbook As defined by Law of Land Survey, Verification and Registration:

A ledger for recording the property owned by a person, and any related changes, limitations, or obligations, in accordance with valid documents [documents which can be used as evidence for issuing a decision].

Source: <http://goo.gl/6s9Nsp>

Loi-Passwal As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Equivalent to the military rank of Lieutenant-General and above the highest civil service grade (or Commissioner of Police).

Source: <http://goo.gl/tyGsnb>

Long Imprisonment As defined by Article 100 of Penal Code:

- (1) Long imprisonment is the confinement of convicted persons in one of the jails allocated for this purpose by the State. The duration of long imprisonment cannot be less than five years nor more than fifteen years.

- (2) In continued and long imprisonments, the convicted is obliged to perform those reformatory works which have been anticipated in the law pertaining to prisons.
- (3) The prisoner who has completed the age of sixty is not obliged to work, even if it is reformatory.

See also: continued imprisonment, medium imprisonment, short imprisonment

Source: <http://goo.gl/X0Ywpj>

Losses Caused by Fire As defined by Article 909 of Commercial Code:

The following losses, unless the contrary is agreed, are considered as losses caused by fire:

- (1) Damages caused by any instrument used with the purpose of putting out the fire, such as damages inflicted due to prevention of heat, smoke, steam or other actions taken to salvage, such as moving the insured objects from one place to another or the partial or complete destruction of the insured building which is made, if necessary, with the purpose of preventing the expansion of the fire.
- (2) Losses deriving from fire, lightning, explosion and the like, even if they have not caused fire.

Source: <https://goo.gl/A9f0U9>

Loya Jirga

The Loya Jirga is the highest manifestation of the will of the people in Afghanistan. The Loya Jirga consists of the members of the National Assembly and the Presidents of the provincial as well as district assemblies. Convenes to decide on issues related to independence, national sovereignty, territorial integrity, and supreme national interests; to amend provisions of the Constitution; to impeach the President in accordance with accordance to article 69 of the Constitution.

Source: 01/2004 Constitution of Afghanistan

Makafat	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Generally, signifies monetary awards granted to reward officers for their work.</p> <p>Source: http://goo.gl/tyGsnb</p>
Mal-Passwal	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Equivalent to the military rank of Brigadier-General the Second Grade of civil service (or Assistant Deputy-Commissioner).</p> <p>Source: http://goo.gl/tyGsnb</p>
Managed Resource Protected Area	<p>As defined by Islamic Republic of Afghanistan Environment Act:</p> <p>An area containing predominantly unmodified natural systems managed mainly for the sustainable use of natural ecosystems and to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.</p> <p>Source: http://goo.gl/yuTChd</p>
Mandatory Standard	<p>As defined by the National Procurement Authority (NPA):</p> <p>A standard of which the application has been made mandatory by a regulation.</p> <p>Source: http://goo.gl/PtjQPF</p>

Manifest

As defined by the National Procurement Authority (NPA):

A detailed list of cargo being carried on board by a carrier (e.g., vessel or aircraft), including quantity, identifying marks, consignor and consignee of each item. This is made or signed by the captain of the vessel or aircraft. A copy is handed over to the customs. Copies of the manifest are also sent to the ship's agents at ports of call.

Source: <http://goo.gl/PtjQPF>

Marginal Costing

As defined by the National Procurement Authority (NPA):

The extra cost of increasing production by one unit. It includes only the variable costs (direct costs) and no element of fixed costs (overheads).

Source: <http://goo.gl/PtjQPF>

Mark of Conformity

As defined by the National Procurement Authority (NPA):

A mark attesting that a product or a service is in conformity with specific standard or technical specifications.

Source: <http://goo.gl/PtjQPF>

Market Analysis

As defined by the National Procurement Authority (NPA):

Information required to assess market conditions such as demand and supply conditions, prices, discounts, etc., to enable a procuring entity to make the right purchase decision. Besides information through formal channels or a survey it also includes information through informal channels such as agents, other buyers, etc.

Source: <http://goo.gl/PtjQPF>

Market Leader

As defined by the National Procurement Authority (NPA):

Brand and/ or product with the largest market share. Often refers to the company producing and marketing the brand/ product concerned.

Source: <http://goo.gl/PtjQPF>

Marking

As defined by the National Procurement Authority (NPA):

Applications of indications on a product or on a package primarily for the purpose of identifying marks, marks of conformity, characteristics of the product, etc. Marking may also be applied to equipment employed in transferring a product to the user; for example, dispensers such as petrol pumps.

Source: <http://goo.gl/PtjQPF>

Ma'roof

As defined by the Universal Islamic Declaration of Human Rights:

A good act.

Source: <http://goo.gl/4Mlpo1>

Material Alteration

As defined by Negotiable Instrument Law:

A significant alteration of an Instrument and includes alteration of the date, sum payable and place of payment.

Source: <http://goo.gl/BqZ7gq>

Material Deficiency

As defined by the National Procurement Authority (NPA):

Any deficiency (such as physical, chemical, electrical or functional) noted in material that is attributed to non-

conformance to contract specifications. Substandard workmanship is considered to fall within this definition.

Source: <http://goo.gl/PtjQPF>

Materiel Element of Crime

As defined by Article 27 of Penal Code:

An act or omission of an act contrary to the law, such that the act should result in a criminal effect and a cause relationship be established between the act and the effect.

Source: <http://goo.gl/X0Ywpj>

Medical Prescription

As defined by Counter Narcotics Drug Law:

A written document signed by a physician, or a person holding a medical license, issued for the medical treatment of a patient, and authorizing the dispensing by a pharmacist to that person of a specific quantity of controlled drugs.

Source: <http://goo.gl/Jd1J6Z>

Medical Use

As defined by Counter Narcotics Drug Law:

The consumption or use of drugs controlled by the Counter Narcotics Drug Law under a medical prescription and in accordance with international conventions.

Source: <http://goo.gl/Jd1J6Z>

Medium Imprisonment

As defined by Article 101 of Penal Code:

- (1) Medium imprisonment is the confinement of convicted persons in one of the jails allocated for this purpose by the State.
- (2) The duration of medium imprisonment is not less than one year and more than five years.
- (3) A person sentenced to medium imprisonment is obliged

to perform those reformatory works which have been anticipated in the law pertaining to prisons.

See also: continued imprisonment, long imprisonment, short imprisonment

Source: <http://goo.gl/X0Ywpj>

Member

As defined by the Cooperative Law:

An individual member or a member-cooperative participating in the foundation of a cooperative, or who is admitted to the membership of a cooperative in accordance with its by-laws.

Source: <http://goo.gl/PDlpxv>

Mine Perimeter

As defined by the Minerals Law:

An area demarcated on the surface as per the mineral right while the depth is indefinite.

Source: <http://goo.gl/9rJGcK>

Mineral Activity

As defined by the Minerals Law:

The prospecting, exploration, exploitation, processing, transformation, transportation, export, marketing, or sale of minerals whether on surface or sub-surface or in water courses.

Source: <http://goo.gl/9rJGcK>

Mineral Certificate

As defined by the Minerals Law:

The special certificate issued by the Mining Cadastre in accordance with the provisions of this Law for the purpose of undertaking mineral activities.

Source: <http://goo.gl/9rJGcK>

Mineral Royalties

As defined by the Minerals Law:

The mineral royalties paid to the state as a certain parentage of the gross productions in accordance with Minerals Law.

Source: <http://goo.gl/9rJGcK>

Mineral Substance

As defined by the Minerals Law:

Any naturally occurring substance which has economic value and contains one or more minerals in amorphous or crystalline form, solid, liquid, or gaseous. Hydrocarbons, water, coal, bituminous sand, bituminous clay, and quarry materials are not included in this definition.

Source: <http://goo.gl/9rJGcK>

Mining Authorization

As defined by Afghanistan Income Tax Law:

A permission letter that is issued by the Ministry of Mines in accordance with the Mines Law, for exploration of quarries, constant utilization of quarries, utilization of previously explored idle materials, professional utilization, business, process, transfer, and processing of minerals.

Source: <http://goo.gl/AGtuLK>

Mining Contract

As defined by the Minerals Law:

A contract entered into by the State and other natural or legal persons or between two other legal or natural persons to conduct mineral activities in accordance with the provisions of Minerals Law.

Source: <http://goo.gl/9rJGcK>

As defined by the Minerals Law:

- (1) **Small Size Mining Contract:** A mining contract in which the capital investment is up to five million United States dollars equivalent.
- (2) **Medium Size Mining Contract:** A mining contract in which the capital investment is up to twenty-five million United States dollars equivalent.
- (3) **Large Size Mining Contract:** A mining contract in which the capital investment is up to fifty million United States dollars equivalent.
- (4) **Very Large Size Mining Contract:** A mining contract in which the capital investment is up to more than fifty million United States dollars equivalent.

Source: <http://goo.gl/9rJGcK>

Mining License

As defined by Afghanistan Income Tax Law:

a document issued in accordance with the Mines Law for exploration or utilization of mines.

Source: <http://goo.gl/AGtuLK>

Minor

As defined by Article 70 of Penal Code:

Refers to a child between the ages of seven and thirteen years.

Source: <http://goo.gl/X0Ywpj>

Minor Irreversible Divorce

As defined by Article 148 of Civil Law:

Any type of divorce before consummation of marriage, as well

as one or two reversible divorces in which reversion has not happened.

Source: <https://goo.gl/ZWDFP4>

Misdemeanor

As defined by Article 25 of Penal Code:

A crime whose doer is sentenced to imprisonment of more than three month up to five years, or cash fine of more than three thousand Afghanis.

Source: <http://goo.gl/X0Ywpj>

Mixture/Compound

As defined by Counter Narcotics Drug Law:

Any preparation that contains any detectable amount of a controlled or regulated drug substance under the Counter Narcotics Drug Law.

Source: <http://goo.gl/Jd1J6Z>

Monetary Relief

A type of remedy granted by the court to the victim of a breach of contract. The calculation of this remedy is based on the monetization of the damage that was incurred by the victim of the breach. This is the most common type of remedy that is granted.

Money Laundering

As defined by Anti-Money Laundering and Proceeds of Crime Law:

A person commits the offence of money laundering if the person:

- (1) Conceals, disguises, converts, transfers, removes from, or brings into the Islamic Republic of Afghanistan funds and property, knowing or having reason to believe that it is derived directly or indirectly from acts or omissions:

- (a) in the Islamic Republic of Afghanistan which constitute an offence against any law of the Islamic Republic of Afghanistan; or,
 - (b) outside the Islamic Republic of Afghanistan which constituted an offence in the place where they occurred and which, had they occurred in the Islamic Republic of Afghanistan, would have constituted an offence against the law of the Islamic Republic of Afghanistan; or
- (2) Acquires, possesses, or uses funds and property knowing or having reason to believe that it is derived directly or indirectly from those acts or omissions; or
 - (3) Enters into or participates in an arrangement or transaction knowing or having reason to believe that it facilitates (by whatever means) the acquisition, retention, use or control of funds and property derived directly or indirectly from those acts or omissions by or on behalf of another person.
 - (4) Concealing or disguising funds and property includes concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.
 - (5) Knowledge or belief as an element of the offences in subsection (1) may be inferred from objective factual circumstances.

Source: <http://goo.gl/6R7m5d>

Money Transmission Services

As defined by Anti-Money Laundering and Proceeds of Crime Law:

A person carrying on a business of:

- (1) Exchanging cash or the value of money.
- (2) Collecting, holding, exchanging, or remitting money or its equivalent or otherwise arranging transfers of money or of its equivalent, on behalf of other persons.
- (3) Delivering funds; or
- (4) Issuing, selling, or redeeming traveler's checks, money orders or similar instruments.

Source: <http://goo.gl/6R7m5d>

Mortgage

A mortgage is the transfer of an interest in property (or the equivalent in law—a charge) to a lender as a security for a debt—usually a loan of money. While a mortgage in itself is not a debt, it is the lender's security for a debt. It is a transfer of an interest in land (or the equivalent) from the owner to the mortgage lender, on the condition that this interest will be returned to the owner when the terms of the mortgage have been satisfied or performed.

Mortgage Deed

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

A written signed document by the mortgagor and mortgagee that describes the features of mortgaged property, terms of the mortgage, and obligations of the parties.

Source: <http://goo.gl/zVsjuu>

Mortgage of Immovable Property

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

The registered right to immovable property that is transferred by its owner to the Mortgagee for their use to secure the debt.

Source: <http://goo.gl/zVsjuu>

Mortgagee

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

The lender for whom the mortgage instrument has been written to secure the debt.

Source: <http://goo.gl/zVsjuu>

Mortgagor

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

A Person that owns the mortgaged property and, most of the time, owes debt subject to a mortgage. If the owner of the mortgaged property and the debtor are not the same, then the mortgagor is the owner of the mortgaged property, and the debtor refers to the person who owes the debt.

Source: <http://goo.gl/zVsjuu>

Mostakhdemin

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Implied professionals employed under special contracts.

Source: <http://goo.gl/tyGsnb>

Movable Property

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Means property that could be moved without decomposition and any change in substance and form and include the tangible (goods) and the intangible such as documents of title, securities, accounts, copyrights, trademarks, and patents.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Property that could be moved without any change in substance and form and include the tangible (goods) and the intangible such as documents of title, securities, accounts, copyrights, trademarks, and patents.

Source: <http://goo.gl/zVsjuu>

Mozareb

As defined by Article 1262 of Civil Law:

Agent and performer with capacity to act as agent.

Source: <https://goo.gl/ZWDfP4>

Mozarebat

As defined by Article 1261 of Civil Law:

Credit partnership is a partnership by which two or Mozarebat is a partnership between two persons whereby one of them participates by paying capital and the other, who is called Mozareb, participates by carrying out an action.

See also: absolute mozarebat, limited mozarebat, mozareb

Source: <https://goo.gl/ZWDfP4>

Mudarib

As defined by the Universal Islamic Declaration of Human Rights:

Management of a business.

Source: <http://goo.gl/6uuIUg>

Mudharabah

According to Banking Law of Afghanistan:

A contract in which one party provide the funds (Rabbul Mal)

and the other party carries out the management of the business (Mudarib).

Source: <http://goo.gl/kPeXjy>

Multiple Award

As defined by the National Procurement Authority (NPA):

The award of separate contracts to two or more bidders for the same product where a single bidder does not offer to supply the entire quantity required or where the procuring entity wants to split a demanded quantity as part of his long-term purchasing strategy.

Source: <http://goo.gl/PtjQPF>

Multiple Source Buying

As defined by the National Procurement Authority (NPA):

A purchasing strategy by a procuring entity to diversify sources of supply, reduce his dependence on one or few suppliers and to increase competition.

Source: <http://goo.gl/PtjQPF>

Munkar

As defined by the Banking Law:

A bad act.

Source: <http://goo.gl/4Mlpo1>

Muqawala

As defined by Article 1481 of Civil Law:

A contract on the basis of which one of parties undertakes to make an object or perform an action, in a temporary or non-temporary way, for the other party in exchange for fee.

Source: <https://goo.gl/ZWDFP4>

Murabaha

According to Banking Law of Afghanistan:

A sales contract upon which the seller buys, on behalf of the buyer, specific goods and sells them to the buyer at cost price plus an agreed markup to be paid to the seller at an agreed time.

Source: <http://goo.gl/kPeXjy>

Musharaka

As defined by the Banking Law:

A contract made between two or more partners that contribute funds to a business and participate on the basis of profit and loss sharing.

Source: <http://goo.gl/6uuIUg>

Mutual Consent

The agreement between the offeror and the offeree to be bound by the terms of the contract as proposed by the offeror.

Narcotic Drug

As defined by Counter Narcotics Drug Law:

A plant, substance or preparation classified as such in the tables annexed to this law.

Source: <http://goo.gl/Jd1J6Z>

National Assembly

As defined by the Constitution of 2004:

The National Assembly of the Islamic Republic of Afghanistan, as the highest legislative organ, shall manifest the will of its people as well as represent the entire nation. Every member of the Assembly, when voting, shall judge according to the general interests as well as the supreme benefits of the people of Afghanistan.

Source: Article 81 of Constitution.

National List of Varieties Eligible for Certification

As defined by Seed Law:

A published list of varieties eligible for seed certification in Afghanistan. The list is created, maintained, and published under Article 19 of Seed Law.

Source: <http://goo.gl/BG5xjf>

National Park

As defined by Islamic Republic of Afghanistan Environment Act:

A natural area managed mainly for ecosystem conservation and recreation purposes.

Source: <http://goo.gl/yuTChd>

National Territory

As defined by the Minerals Law:

All the surface area, subsurface, waters and atmosphere comprising the territory of the country and its exclusive economic zone.

Source: <http://goo.gl/9rJGcK>

Natural Gas

As defined by the Law of Petroleum and Gas (Hydrocarbons):

Any hydrocarbon which, at atmospheric state conditions of temperature and pressure, is in a gaseous state and includes wet mineral gas, dry mineral gas, wet gas and residue gas remaining after the extraction, processing, or separation of liquid petroleum and gas from wet gas as well as non-petroleum and gas or gases produced in association with liquid or gaseous hydrocarbons excluding condensed or extracted liquid petroleum and gas, but including the residue gas remaining after the condensation of liquid petroleum and gas from gas, and excluding coal-based methane gas obtained from coal.

Source: <http://goo.gl/thT5go>

Natural Monument

As defined by the Islamic Republic of Afghanistan Environment Act:

An area managed mainly for the conservation of specific features and contains one or more specific natural or natural/cultural features which are of outstanding or unique value because of their inherent rarity, representative or aesthetic qualities or cultural significance.

Source: <http://goo.gl/yuTChd>

Natural Obligation Natural Resource

As defined by Islamic Republic of Afghanistan Environment Act:

All components of ecosystems including land, water and atmosphere and includes all the populations, parts and genetic resources of flora, fauna, and other living organisms as well as mineral and other non-living components that occur in them.

Source: <http://goo.gl/yuTChd>

As defined by Law on Private Investment in Afghanistan:

Mines or natural deposits of oil, gas, gold, silver, coal or any other minerals, hydrocarbons, or other resources, whether in their natural state or under any kind of treatment.

Source: <http://goo.gl/NQhQgY>

Negative Fraud

As defined by Article 573 of Civil Law:

Concealed reality. This fraud is considered as misrepresentation.

Source: <https://goo.gl/ZWDFP4>

Negotiable Bearer Instrument

As defined by Anti-Money Laundering and Proceeds of Crime Law:

A written notice representing a promise to pay money, (including bills of exchange, promissory notes, or certificates of deposit) which may be payable to the bearer.

Source: <http://goo.gl/6R7m5d>

Negotiable Instrument

As defined by Negotiable Instrument Law:

Financial instruments such as bills of exchange, promissory notes and checks which are negotiable in business.

Source: <http://goo.gl/BqZ7gq>

As defined by the National Procurement Authority (NPA):

A document of title to goods/ property which on transfer (affected through delivery with or without endorsement) passes the legal right to goods/ property named therein to the transferee.

Source: <http://goo.gl/PtjQPF>

Negotiation

As defined by the National Procurement Authority (NPA):

The term refers to the bargaining process between a procuring entity and a bidder each advancing his arguments in trying to get the best contract terms from his viewpoint. It is allowed only in specific procurement methods.

Source: <http://goo.gl/PtjQPF>

Net Operating Loss

As defined by Afghanistan Income Tax Law:

The amount that exceeds income after allowance of deductions prescribed in Afghanistan Income Tax Law.

Source: <http://goo.gl/AGtuLK>

Net Price

As defined by the National Procurement Authority (NPA):

Final price after all adjustments have been made for all discounts and rebates.

Source: <http://goo.gl/PtjQPF>

Net Value

As defined by Law on State-Owned Enterprises:

The value of products or any services rendered, and expenses incurred by the enterprise for the purpose of producing and selling such products or provision of services, expressed as an amount of money.

Source: <http://goo.gl/UOJtC2>

Net Weight

As defined by the National Procurement Authority (NPA):

The weight of the contents of a package/ container/ wagon net of packaging material and/ or tare weight.

Source: <http://goo.gl/PtjQPF>

Network Analysis

As defined by the National Procurement Authority (NPA):

Breaking down a complex project into a series of activities, arranging these with precedence ordering, putting against each of the activities the estimated completion time and depicting the sequence on a diagram to facilitate the identification of inter-relationships and critical areas of activity a delay in any

one of which is likely to delay the implementation of the project. It is a technique of contract monitoring and administration.

Source: <http://goo.gl/PtjQPF>

Non-Afghan Sources

As defined by Afghanistan Income Tax Law:

The income which is derived by residents of Afghanistan from other countries' sources within Afghanistan.

Source: <http://goo.gl/AGtuLK>

Non-Conformance

As defined by the National Procurement Authority (NPA):

The failure of services and/ or material supplied by a supplier to conform to technical specification or terms of reference and/ or specifications as incorporated in the contract.

Source: <http://goo.gl/PtjQPF>

Non-Consultancy Services

As defined by the National Procurement Authority (NPA):

Any object of procurement other than goods, works and consultants' services.

Source: <http://goo.gl/PtjQPF>

Non-Expendable Material

As defined by the National Procurement Authority (NPA):

Items that are not consumed in use and that ordinarily retain their original features and characteristics during the period of use (e.g., typewriters, micro-computers, vehicles, etc.).

Source: <http://goo.gl/PtjQPF>

Non-Fungible Objects

As defined by Article 476 of Civil Law:

Non-fungible objects are those whose units are different from one another and may not be interchanged.

Source: <https://goo.gl/ZWDFP4>

Non-Possessory Mortgage

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Agreement between the parties that mortgagor or debtor has the right to release the mortgaged property from the debt when the debt has been repaid.

Source: <http://goo.gl/zVsjuu>

Non-Recurring Demand

As defined by the National Procurement Authority (NPA):

A request made by a user (department) on a one-time basis for a special purpose or use.

Source: <http://goo.gl/PtjQPF>

Non-Resident Bank

As defined by the Banking Law:

A bank whose place of incorporation is in a country other than Afghanistan.

Source: <http://goo.gl/6uuIUg>

Non-Responsive Bid

As defined by the National Procurement Authority (NPA):

A bid/ offer made by a bidder which does not conform to the essential requirements of the tender.

Source: <http://goo.gl/PtjQPF>

Not Transferable

As defined by Article 559 of Commercial Code:

A check that may not be transferred by endorsement.

Source: <https://goo.gl/A9f0U9>

Notice

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Written information, relating to a subject, which is sent to the address of central office, or place of residence or activity of the person in question and its receipt has been ensured.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Written information relating to specific subject that is sent to the address of central office, and or place of residence or activity of the person in question and its receipt has been ensured.

Source: <http://goo.gl/zVsjuu>

Notice of Registration

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A paper (form) that is drawn up in accordance with the procedures for Registration of Securing Charge.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Paper (form) that is drawn up in accordance with the procedures of registration of mortgage rights.

Source: <http://goo.gl/zVsjuu>

Number	<p>As defined by Law for Regulating Telecommunication Services:</p> <p>Series, signs, digits, letters or other symbols and combinations thereof used for network access or its identification, service provider, network connection point or any other network elements.</p> <p>Source: http://goo.gl/T1vM59</p>
Obscenity	<p>As defined by Article 26 of Penal Code:</p> <p>A crime whose doer is sentenced to imprisonment of 24 hours to three months, or cash fine of up to three thousand Afghanis.</p> <p>Source: http://goo.gl/X0Ywpj</p>
Obstacles to Panel Responsibility	<p>As defined by Article 66 of Penal Code:</p> <p>Obstacle to penal responsibility comes into existence from the realization of any sensual indisposition or one of the instances of lack of will.</p> <p>Source: http://goo.gl/X0Ywpj</p>
Offeree	<p>As defined by the National Procurement Authority (NPA):</p> <p>A person (a buyer) to whom a supply offer is made.</p> <p>Source: http://goo.gl/PtjQPF</p>
Offeror	<p>As defined by the National Procurement Authority (NPA):</p> <p>A supplier who makes a bid or an offer in response to a purchase or an invitation to bid.</p> <p>Source: http://goo.gl/PtjQPF</p>

Office

As defined by the Land Reform Law:

The land reforms administration within the framework of the Finance Ministry.

Source: <http://goo.gl/MgM2b7>

As defined by the Law of Campaign Against Bribery and Official Corruption:

Denotes all the government offices including the Judiciary, Public Prosecution, Armed Forces, Police and National Security, Enterprises, mixed, private, or non-governmental organizations which in some way or another are transacting with the State.

Source: <http://goo.gl/YEmQJz>

Official Act

As defined by Counter Narcotics Drug Law:

Any decision or action on any matter, controversy, or legal proceeding by a public official.

Source: <http://goo.gl/Jd1J6Z>

Official Bank Account

As defined by Public Finance and Expenditure Law:

The opening of a bank account by the Ministry of Finance for maintaining and depositing government money in Da Afghanistan Bank.

Source: <http://goo.gl/IvtMtn>

Official Corruption

As defined by the Law of Campaign Against Bribery and Official Corruption:

An illegal act committed by state employees and other public

servants to attain personal, or group aims in the following manners:

- (1) Embezzlement and deception.
- (2) Stealing documents.
- (3) Wastage of official records and papers.
- (4) Transgressing the legal scope of authorities.
- (5) Using government facilities and official times for personal affairs.
- (6) Refusing to perform duties without a legal justification.
- (7) Concealing the truth.
- (8) Forging documents.
- (9) Pretending to have the power to do or refuse to do an act, which is outside the scope of the public servant's official power.
- (10) Transgressing the legal scope of authorities.
- (11) Receiving any gift to perform a job in the related affairs.
- (12) Unjustified delay in performing the delegated duties.
- (13) Misbehavior of public servants towards individuals.
- (14) Bribing, illegally recommending requesting and lobbying.
- (15) Involving ethnic, regional, religious, linguistic, partisan, gender and personal considerations into selection and employment.

Source: <http://goo.gl/YEmQJz>

Official Document

As defined by Article 991(1) of Civil Law:

A paper in which the public officer or public services staff, according to provisions of law and within the limits of their specialized authority, registers and saves anything that is reported to them, or they obtain from concerned persons.

Source: <https://goo.gl/ZWDFP4>

Official Mortgage

As defined by Article 1832 of Civil Law:

Official mortgage is a contract on the basis of which creditor gains real right over estate that is allocated to discharge of debt and, due to this, creditor shall have priority right over other ordinary creditors and lower degree creditors and he may recover his credit from the estate in whomever possession it is.

Source: <https://goo.gl/ZWDFP4>

Official of Public Services

As defined by Article 12 of Penal Code:

- (1) Permanent and contract employees of the State and state enterprises.
- (2) Permanent and contract employees of public institutions.
- (3) Members of the organs of State and provincial and local assemblies.
- (4) Attorneys-at-law, arbiters, experts, witnesses, and other persons whose certifications are honored.

Source: <http://goo.gl/X0Ywpj>

Offset

As defined by Article 836 of Civil Law:

Extinguishment of debts that two people mutually owe to each other.

Source: <https://goo.gl/ZWDFP4>

Open Cover

As defined by the National Procurement Authority (NPA):

Standard arrangement by an exporter with his marine insurer, whereby all his shipments are automatically insured. By agreement, whereas the assured is obliged to inform the insurer of all his shipments the latter insures all those shipments. The arrangement may be cancelled by a notice period as provided for in the policy.

Source: <http://goo.gl/PtjQPF>

Open Policy

As defined by the National Procurement Authority (NPA):

A cargo insurance policy designed to cover all consignments forwarded by the assured subject to a limit in any one vessel and, usually, a time limit during which declarations must attach. Unlike the floating policy it does not have an aggregate limit, but the underwriter can invoke a cancellation clause if he wishes to withdraw cover.

Source: <http://goo.gl/PtjQPF>

Open Tender (Monaqesa Baz)

As defined by the National Procurement Authority (NPA):

The procurement method in which any contractor may submit a bid concerning the procurement of his interest, in compliance with the specifications set forth in the bidding documents, to the relevant authority.

Source: <http://goo.gl/PtjQPF>

As defined by Procurement Law:

The procurement method, in which any contractor may submit a bid concerning the procurement of his interest, in

compliance with the specifications set forth in the bidding documents, to the relevant entity.

Source: <http://goo.gl/4JjsGd>

Operator or Service Provider

As defined by Law for Regulating Telecommunication Services:

Any person who provides Telecommunication Services to any end user or to any other person in the country.

Source: <http://goo.gl/T1vM59>

Option Contract

As defined by the Afghanistan Bank Law:

A contract the holder of which has the right to buy (call) or to sell (put) on an optional basis a security or commodity against payment of an agreed price until a specified date, during its term of validity.

Source: <http://goo.gl/h3iGQk>

Option of Condition

As defined by article 652(1) of Civil Law:

Contracting parties may, in all contracts, either during or after contract, reserve option of rescission or continuity of contract for maximum three days.

Source: <https://goo.gl/ZWDFP4>

Option of Sight Order

Article 676

As defined by the National Procurement Authority (NPA):

A will often documented in writing with the expression to buy with instructions, issued to a supplier for material and/ or services to be made available at specified price and time. Orders can be issued without any reference to a tender/ offer.

Source: <http://goo.gl/PtjQPF>

Order Point Control

As defined by the National Procurement Authority (NPA):

A method of inventory control which relies on defining a minimum stock level which when reached must trigger off procurement action of re-ordering.

Source: <http://goo.gl/PtjQPF>

Ordering Costs

As defined by the National Procurement Authority (NPA):

Cost of placing an order.

Source: <http://goo.gl/PtjQPF>

Ordinary Assembly

As defined by Article 348 of Commercial Code:

The general meeting of a joint stock company after the end of each financial period within four months and at least once every year. In this assembly, according to Article 358 of Commercial Code, deliberations and debates shall be conducted on matters that are necessary to be included in the agenda.

Source: <https://goo.gl/A9f0U9>

Organization

As defined by Tourism Law:

Tourism Organization of Afghanistan.

Source: <http://goo.gl/kT9BE0>

Organizers

As defined by Law on Gatherings, Strikes, and Demonstrations:

That person or persons who direct, manage, and lead gatherings, strikes, and demonstrations.

Source: <http://goo.gl/RXGshX>

**Original Equipment
Manufacturer (OEM)**

As defined by the National Procurement Authority (NPA):

Producer who procures goods and/ or services and incorporates these (a component part) into a product, which he is manufacturing for sale without any changes in the goods procured.

Source: <http://goo.gl/PtjQPF>

Ornamental Stone

As defined by the Minerals Law:

A mineral or mineral substance having use as an ornamental material including lapis lazuli, onyx, amber, marble, turquoise, petrified wood, jade, malachite, and such other mineral substances that may be designated as ornamental stones from time to time in the Mining Regulations. gemstones shall be excluded from this definition.

Source: <http://goo.gl/9rJGcK>

Ouster

As defined by Article 2060 of Civil Law:

Ouster means compromise of heirs to oust some of them in return for a certain thing.

Source: <https://goo.gl/ZWDfP4>

Ownership

As defined by Article 1900 of Civil Law:

Ownership is a right on the basis of which a thing comes under will and dominance of person and only owner may, within the limits of provisions of law, use and utilize it and take any possessive actions on it.

Source: <https://goo.gl/ZWDfP4>

Ownership Documents

As defined by Law of Land Survey, Verification and

Registration:

- (1) A decree by the state.
- (2) A decree by the office of the prime minister.
- (3) A legal (Sharia-based) document evidencing the sale, transfer, or inheritance of a property.
- (4) A document evidencing irrigation water right.
- (5) A document evidencing taxation; or,
- (6) A customary deed.

Source: <http://goo.gl/6s9Nsp>

Packing List

As defined by the National Procurement Authority (NPA):

A statement which lists in detail the contents of a particular package. It is also called a “packing note.”

Source: <http://goo.gl/PtjQPF>

Parcel

As defined by Law of Land Survey, Verification and Registration:

A piece of land which forms a part, or all of the area used for cultivation by the owner or payer [payer of taxes by someone other than the owner such as a lessee or legal representative?] and is surrounded by the land of [other] persons, rivers, public streams or road, mountain or state-owned land, or public property.

Source: <http://goo.gl/6s9Nsp>

Parent Company

As defined by the Banking Law:

A legal person that controls another legal person.

Source: <http://goo.gl/6uuIUg>

Partial Exclusion

As defined by Article 2025(1) of Civil Law:

Partial exclusion that causes reduction of the entitled share of the inheritance.

See also: exclusion from inheritance, total exclusion

Source: <https://goo.gl/ZWDFP4>

Partner

As defined by Afghanistan Income Tax Law:

A person who has a share in the partnership.

Source: <http://goo.gl/AGtuLK>

Partnership

As defined by Afghanistan Income Tax Law:

An association of two or more persons carrying on business and sharing profit or loss in accordance with the partnership agreement.

Source: <http://goo.gl/AGtuLK>

As defined by Article 1216 of Civil Law:

Partnership is a contract according to which two or more persons pledge, for the purpose of undertaking a financial enterprise, to participate in paying an amount of property or carrying out an activity or granting credit in such a way that profits and losses are divided among them according to the agreement made between them.

See also: equal partnership, unequal partnership

Source: <https://goo.gl/ZWDFP4>

Partnership Agreement

As defined by Afghanistan Income Tax Law:

The body of provisions agreed to by the partners under which they operate the partnership.

Source: <http://goo.gl/AGtuLK>

Partnership in Rights

As defined by Article 2218 of Civil Law:

Partnership in rights of a sold real estate is partnership in the right of the appropriated water and the appropriated easement, whether the mentioned appropriation is exclusive to one or to several.

See also: partnership in the sold real estate, partnership in the land of surrounding wall of building, partnership under preemption

Source: <https://goo.gl/ZWDFP4>

Partnership in the Land of Surrounding Wall of Building

As defined by Article 2217 of Civil Law:

Partner in the land of surrounding wall of building shall be considered partner in the real estate itself.

See also: partnership in the sold real estate, partnership in its rights, partnership under preemption

Source: <https://goo.gl/ZWDFP4>

Partnership in the Sold Real Estate

As defined by Article 2216 of Civil Law:

Partnership in the sold real estate itself means that preemptor has a common share in the property.

See also: partnership in the sold real estate, partnership in rights, partnership in the land of surrounding wall of building, partnership under preemption

Source: <https://goo.gl/ZWDFP4>

Partnership in Work

As defined by Article 1281 of Civil Law:

“Partnership in work” is that two or more persons undertake to perform a work or fulfill a promise for another person in such a way that fee shall be divided between them equally or differently.

Source: <https://goo.gl/ZWDfP4>

Partnership of Capital and Labor

As defined by the Ottoman Courts Manual:

A type of partnership where one party supplies the capital and the other the labor. The person who owns the capital is called the owner of the capital and the person who performs the work is called the worker.

Source: <http://goo.gl/QGqmLX>

Partnership Under Preemption

As defined by Article 2215 of Civil Law:

Partnership under preemption is of two kinds: partnership in the sold property itself and partnership in its rights.

See also: partnership in the sold real estate, partnership in rights, partnership in the land of surrounding wall of building

Source: <https://goo.gl/ZWDfP4>

Partnership with Equal Shares

As defined by the Ottoman Courts Manual:

A partnership with equal shares is a partnership which is formed when the partners enter into a contract of partnership stipulating for complete equality between them, and, after they have contributed the property which is to form the capital of the partnership, they maintain equality in the amount of their capital, and their shares of the profit. Similarly, if a person dies, and his sons take over the whole of his property left to them and make it their capital on the terms that they may buy and sell property of all kinds and share the profit equally between them, they may thereby form a partnership with equal

shares. Formation of a partnership of this type, where there is complete equality, however, is rare.

Source: <http://goo.gl/QGqmLX>

Partnership with Unequal Shares

As defined by the Ottoman Courts Manual:

A partnership with unequal shares is formed when a contractual partnership is concluded without stipulating for complete equality.

Source: <http://goo.gl/QGqmLX>

Passwal

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Equivalent to the military rank of Major-General and First Grade of civil service for Deputy-Commissioner).

Source: <http://goo.gl/tyGsnb>

Patent

As defined by the National Procurement Authority (NPA):

A right or an authority granted by a designated government agency to an inventor to have a sole right of making, using, or selling his invention for a specified period.

Source: <http://goo.gl/PtjQPF>

Patent Infringement

As defined by the National Procurement Authority (NPA):

Unauthorized use by a manufacturer of a product or process invented by someone else and over which the latter has a patent right. The procuring entity, to protect himself against patent infringement by a supplier, usually has an appropriate clause inserted to this effect in the purchase contract.

Source: <http://goo.gl/PtjQPF>

Payable into the Account

As defined by Article 572 of Commercial Code:

Issuer or owner of a check may prevent its cash payment by inserting the phrase "payable into the account" on the check.

Source: <https://goo.gl/A9f0U9>

Payment

As defined by the National Procurement Authority (NPA):
The contractually agreed equivalent to the goods, works and/or services supplied by the supplier, provided by the procuring entity usually in terms of money. Payment can be done in stages: advance payment, progress payments, final payment; upon evidence (presentation of vouchers) or as a lump sum or on the basis of an agreed rate per unit multiplied with the number of units justified

Source: <http://goo.gl/PtjQPF>

Payment in Due Course

As defined by Negotiable Instrument Law:

A state that payment occurs in accordance with the apparent tenor of the instrument in good faith which would not cause reasonable grounds for believing that the possessor of the instrument is not entitled to receive payment of the amount shown in the instrument.

Source: <http://goo.gl/BqZ7gq>

Payment Instrument

As defined by the Afghanistan Bank Law:

A check, draft, money order, traveler's check, or other instrument for the transmission or payment of money or monetary value, whether or not negotiable; a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services shall be an exception from this

rule.

Source: <http://goo.gl/h3iGQk>

Payment System

As defined by the Afghanistan Bank Law:

Any procedures, including communication networks, agreed between three or more money service providers for the processing of payments, the clearing or settlement of payment transactions, and for the exchange of payments against other payments, financial obligations, or securities, in any currency.

Source: <http://goo.gl/h3iGQk>

Peaceful and Lawful Purpose

As defined by Law on Gatherings, Strikes, and Demonstrations:

Refers to that purpose whose attainment is permitted by law.

Source: <http://goo.gl/RXGshX>

Penal Responsibility

As defined by Article 65 of Penal Code:

Penal responsibility comes into existence when a person commits a criminal act by free will and in a state of healthy mind and senses.

Source: <http://goo.gl/X0Ywpj>

Penalty Clause

As defined by the National Procurement Authority (NPA):

A clause in a contract specifying the sum to be paid by the defaulting party to the other if the contract is not fulfilled. The sum is usually an estimate of the loss likely to be suffered by the party as a result of default.

Source: <http://goo.gl/PtjQPF>

Performa Invoice

As defined by the National Procurement Authority (NPA):

An invoice prepared by a bidder in advance of a sale to show the form and amount of the invoice which will be rendered to the procuring entity if the sale takes place. Importers often require proforma invoices to support their request to governmental authorities for import permits and for foreign exchange.

Source: <http://goo.gl/PtjQPF>

Performance Security

As defined by the National Procurement Authority (NPA):

A guarantee (bank guarantee or bond) executed by a seller/contractor as security towards the performance and fulfilment of the contract within the terms and conditions agreed upon. Such guarantee can be issued as a bank guarantee or bond.

Source: <http://goo.gl/PtjQPF>

**Performance through
Compensation
Performance through
Threatening to Claim
Compensation**

As defined by Article 824(1) of Civil Law:

If specific performance shall be impossible or unsuitable without personal performance of obligation by undertaker, the other party may request court ruling to obligate undertaker to perform and, in case of refusal, to threaten him to compensate.

Source: <https://goo.gl/ZWDfP4>

Permit

As defined by Islamic Republic of Afghanistan Environment Act:

A formal written document issued for the implementation of a project, plan, or activity, the taking of a species mentioned in Article 50, the export of alien species, the re-introduction of indigenous species, the export of endangered species, and access to genetic resources granted to applicants in accordance

with the provisions of the Environment Act.

Source: <http://goo.gl/yuTChd>

As defined by Law for Regulating Telecommunication Services:

The official written document issued by the Telecommunication Regulatory Authority, on the basis of which the registration of a person's intention to provide telecommunications services to the public, import and sell telecom equipment, or other specific activities provided for by the Law for Regulating Telecommunication Services is verified and confirmed.

Source: <http://goo.gl/T1vM59>

Person

As defined by Law for Regulating Telecommunication Services:

- (1) Any natural domestic person means a person who holds Afghan nationality.
- (2) Any legal domestic person means a person including a corporation, a partnership, sole proprietorship, limited liability company, joint venture, association, joint stock private or public company, trust, or any other profitable entity established under applicable laws.
- (3) Any natural foreign person means a person who has a citizenship of other than Afghanistan.
- (4) Any legal foreign person means a person the legal personality of which is specified under the legal framework of a law other than those of Afghanistan.

Source: <http://goo.gl/T1vM59>

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A natural or juridical person.

Source: <http://goo.gl/Jh3FS7>

As defined by the Law of Petroleum and Gas (Hydrocarbons):

- (1) Domestic natural Person having Afghan citizenship.
- (2) Domestic Legal entity that includes institutions, companies, monopolized ownership, companies with limited liability, temporary partnership, temporary investment, joint-stock private or public companies or any other profit-making association or organization established according to the law.
- (3) External natural person having non-Afghan citizenship.
- (4) External Legal entity having been specified in external Laws.

Source: <http://goo.gl/thT5go>

As defined by the National Procurement Authority (NPA):

A natural or legal person including companies, firms, and the like.

Source: <http://goo.gl/PtjQPF>

Personal Right or Pledge

As defined by Article 488 of Civil Law:

A relation between obligation of creditor and debtor on the basis of which creditor may demand debtor to grant an object,

perform an action or refraining from doing it.

Source: <https://goo.gl/ZWDFP4>

Persons Established in Afghanistan

As defined by Customs Law:

- (1) In the case of a natural person, any person who is resident in the Afghanistan for more than 183 days per year.
- (2) A legal person who has a registered central or a permanent business agency in Afghanistan.

Source: <http://goo.gl/DLKZjK>

Petroleum and Gas (Hydrocarbons) Data Bank

As defined by the Law of Petroleum and Gas (Hydrocarbons):

The archive of petroleum and gas exploration and production data maintained pursuant to the Law of Petroleum and Gas (Hydrocarbons).

Source: <http://goo.gl/thT5go>

Petroleum and Gas Operations (Hydrocarbon Operations)

As defined by the Law of Petroleum and Gas (Hydrocarbons):

All operations related to exploration, development, extraction, production, field separation, transportation, storage, sale, or consumption of petroleum and gas (hydrocarbons).

The petroleum and gas transportation operation does not in any event continue beyond the point of export or in the case of petroleum and gas processed within Afghanistan beyond the point of delivery to a refinery or liquefaction process plant.

Source: <http://goo.gl/thT5go>

Phased Deliveries

As defined by the National Procurement Authority (NPA):

Scheduling shipments of material or supplies at specific intervals of time as per contract terms.

Source: <http://goo.gl/PtjQPF>

**Place-Based
Distribution of Profits**

As defined by Article 1975 of Civil Law:

In place-based division of profits, co-owners agree that each of them uses a certain part of profit of property that is equal to his share in common property and in turn leave use of the remaining parts of his share for other co-owners.

See also: time-based distribution of profits, distribution of profits

Source: <https://goo.gl/ZWDfP4>

Plenipotentiary

A person, especially a diplomatic agent, invested with full power or authority to transact business on behalf of another.

Source: <http://goo.gl/lgO1K5>

Policy

As defined by Law for Regulating Telecommunication Services:

A method or manner which is developed and published by the Telecommunication Regulatory Authority (the TRA) for the purpose of implementing the provisions of this law, taking into consideration the conditions and circumstances after the process of gathering public opinions.

Source: <http://goo.gl/T1vM59>

**Politically Exposed
Person**

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Any person who is or has been entrusted with a prominent public function in the Islamic Republic of Afghanistan or in other countries, for example, heads of state or of government,

senior politicians, senior government, judicial or military officials, senior executives of state-owned entities, and important political party officials. All family members of such persons, and close associates who have business or financial relationships with such persons are also included herein.

Source: <http://goo.gl/6R7m5d>

Pollutant

As defined by Islamic Republic of Afghanistan Environment Act:

Any substance, solid, liquid, gas, micro-organism, noise, vibration, heat, radiation, light or other energy, or thing, or combination of them that has or has the potential to have an adverse effect, and anything deemed to be a pollutant under the provisions of the Environment Act.

Source: <http://goo.gl/yuTChd>

Pollution

As defined by Islamic Republic of Afghanistan Environment Act:

Any direct or indirect alteration of the physical, thermal, chemical, or biological properties of the environment caused by the discharge of hazardous substances or pollutants, and which adversely affects any beneficial use or causes a contravention of any condition, limitation, or restriction to which an authorization under the Environment Act is subject.

Source: <http://goo.gl/yuTChd>

Possession

As defined by Counter Narcotics Drug Law:

The ability to exert control over an object, including cases where a person is not in physical contact with the object, but has the power to exercise control over it, either directly or through others.

Source: <http://goo.gl/Jd1J6Z>

Possessory Mortgage

As defined by Article 1770 of Civil Law:

A contract on the basis of which mortgager undertakes to give his property to possession of mortgagee or another trustee person in exchange for a financial right whose full or partial payment shall have priority over rights of the first-degree creditors and creditors of lower degrees.

Source: <https://goo.gl/ZWDfP4>

Power of Sale

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

Right of mortgagee to collect the amount of debt from the sale of the mortgaged property.

Source: <http://goo.gl/zVsjuu>

Pre-Award Survey

As defined by the National Procurement Authority (NPA):

A physical survey undertaken to make an evaluation of a bidder technical, financial, and managerial capability to perform the contract (i.e., ability to supply the goods) before it is awarded, sometimes referred to as vendor survey. For service contracts bidder's references can be asked for or interviews with the key personnel proposed can be held.

Source: <http://goo.gl/PtjQPF>

Precious Metals

As defined by the Minerals Law:

Gold, silver, platinum, and such other minerals that may be designated as precious metals from time to time in the Mining Regulations.

Source: <http://goo.gl/9rJGcK>

Preclusive Specification

As defined by the National Procurement Authority (NPA):

Specifications which are so restrictive as to limit or exclude competition.

Source: <http://goo.gl/PtjQPF>

Precursor

As defined by Counter Narcotics Drug Law:

A substance used in drug manufacture or processing and classified as such under Table IV of the Counter Narcotics Drug Law.

Source: <http://goo.gl/Jd1J6Z>

Predicate Offense

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Any criminal offence, even if committed abroad, enabling its perpetrator to obtain any funds and property derived from or obtained directly or indirectly through the commission of an offence.

Source: <http://goo.gl/6R7m5d>

Preemption

As defined by Article 2213 of Civil Law:

Preemption is the right of acquisition of ownership of all or part of a sold real estate in return for its price and the expenses made, even if by coercion.

Source: <https://goo.gl/ZWDFP4>

Prepaid Freight

As defined by the National Procurement Authority (NPA):

The transportation charges have been or are to be paid at the

point of shipment and not at the destination.

Source: <http://goo.gl/PtjQPF>

Pre-qualification:

As defined by the National Procurement Authority (NPA):

The process described in the PPL Art.18 (as amended January 2009).

Source: <http://goo.gl/PtjQPF>

Presentation of Goods at Customs

As defined by Customs Law:

The notification to the customs, in accordance with the relevant procedures, of the arrival of goods at customs or at any other place designated or approved by the customs.

Source: <http://goo.gl/DLKZjK>

Price Discrimination

As defined by the National Procurement Authority (NPA):

The system, followed by a bidder, of charging different prices to different markets or classes of procuring entities. May be based on procuring entity-supplier relationship, volume of purchases/ orders, also as part of sales strategy or any other factor.

Source: <http://goo.gl/PtjQPF>

Price Leadership

As defined by the National Procurement Authority (NPA):

The lead taken by a company in setting a new price level. In a market with few bidders, usually the market leader takes the lead in establishing such a price level.

Source: <http://goo.gl/PtjQPF>

Price Revision	<p>As defined by the National Procurement Authority (NPA):</p> <p>A provision in a contract for prices of products (usually a piece of equipment to be fabricated) or services to be increased or decreased if the costs of materials to be used (or the wages of labor) increase or decrease during the period of delivery. Generally, the contracts incorporate a formula for such price adjustments. A civil construction contract usually links wage costs of unskilled workers to any changes in a minimum wage laws or union wage settlements.</p> <p>Source: http://goo.gl/PtjQPF</p>
Primary Cooperative	<p>As defined by the Cooperative Law:</p> <p>Cooperative formed by at least eleven individuals.</p> <p>Source: http://goo.gl/PDlpxv</p>
Prime Contractor	<p>As defined by the National Procurement Authority (NPA):</p> <p>In a large project contract involving supply of materials, machinery, equipment, construction works etc. a procuring entity may prefer to appoint a prime contractor who may sub-contract parts of supplies, or fabrication of machinery to other subcontractors, with overall responsibility of project execution remaining with the prime contractor.</p> <p>Source: http://goo.gl/PtjQPF</p>
Principal	<p>As defined by Article 782 of Commercial Code:</p> <p>The owner of a transaction.</p> <p>Source: https://goo.gl/A9f0U9</p>
Principal Offender	<p>As defined by Article 38 of Penal Code:</p>

A person is regarded the principal offender in the following instances:

- (1) When he alone or with the association of someone else commits a crime.
- (2) When he intervenes in the commission of a criminal act in such a way as to intentionally commit one of the acts comprising the crime.

Source: <http://goo.gl/X0Ywpj>

Principal Real Rights

As defined by Article 486 of Civil Law:

Principal real rights are possession and utilization rights to the object that are exclusive to the following rights:

- (1) Right of ownership of real estate and benefit of object.
- (2) Right of ownership of benefit of object without ownership of real estate.
- (3) Easement rights.

Source: <https://goo.gl/ZWDfP4>

Prior Insistence

As defined by Article 34(3) of Penal Code:

Refers to taking a firm decision before performing the crime in mind, provided that it is riot the result of sudden rage and sensual excitement.

Source: <http://goo.gl/X0Ywpj>

Private Legal Person

As defined by Article 338 of Civil Law:

Derives from will of private individuals and has been established in the form of associations, endowment, organizations, civil or commercial companies and the like, unless the law has categorized such persons as the public one.

Source: <https://goo.gl/ZWDfP4>

Private Place

As defined by Law on Gatherings, Strikes, and Demonstrations:

Refers to an area where movement is subject to the permission of the owner or overseer.

Source: <http://goo.gl/RXGshX>

Proceeds

As defined by Law on Campaign Against Financing Terrorism:

Any funds and property derived from or obtained, directly or indirectly, through the commission of an offense set forth in Article 3 of the Law on Campaign Against Financing Terrorism.

Source: <http://goo.gl/rbKgbP>

Proceeds Collateral

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Money or a specific type of movable property that results directly or indirectly from the disposal of collateral. The definition extends to later generation, proceeds from collateral and to insurance payments for damaged or lost collateral.

Source: <http://goo.gl/Jh3FS7>

Proceeds of Crime

As defined by Anti-Money Laundering and Proceeds of Crime Law:

Any funds and property derived from or obtained directly or indirectly through the commission of an offence.

Source: <http://goo.gl/6R7m5d>

As defined by Amendments to the Anti-Money Laundering and Proceeds of Crime:

Any funds or property derived from or obtained directly or indirectly through the commission of a predicate offence. This also includes income or benefits derived from such proceeds, proceeds obtained from the investment of such funds or the funds or property that have been transferred into other types of assets, whether partially or in whole.

Source: <http://goo.gl/PjLups>

Processing

As defined by the Minerals Law:

Ore dressing or metallurgical processes applied to ore or other mineral substances which results in obtaining of products for sale including crushing, concentration, beneficiation, washing, and refining.

Source: <http://goo.gl/9rJGcK>

Procurement

As defined by the National Procurement Authority (NPA):

The acquisition by any contractual means, including but not limited to purchase, leasing of goods, works or services, and includes but is not limited to any acquisition on which any public funds are utilized.

Source: <http://goo.gl/PtjQPF>

Procurement Committee

As defined by Procurement Law:

A group of persons appointed, in accordance with this Law, to act as an award authority and conduct other procurement related functions in accordance with Procurement Law.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

A Committee of Directors and Officials appointed by the entity to carry out procurement proceedings as provided in the Law.

Source: <http://goo.gl/PtjQPF>

Procurement Contract As defined by the National Procurement Authority (NPA):

The written agreement of the parties' will, regarding the procurement, of the agreed goods, works or services, on the basis of which rights and obligations of the parties are determined.

Source: <http://goo.gl/PtjQPF>

Procurement Cycle As defined by the National Procurement Authority (NPA):

A full procurement cycle involves the following stages: (a) identification of needs; (b) tendering; (c) contracting; (d) contract execution and monitoring.

Source: <http://goo.gl/PtjQPF>

Procurement Office As defined by the National Procurement Authority (NPA):

In accordance with the public procurement Law, the unit, boards, person, or persons within each procuring entity designated to manage and implement, on an ongoing basis, the procurement of a procuring entity, and having the monetary award authority indicated in the Law.

Source: <http://goo.gl/PtjQPF>

Procurement Policy Unit (PPU)

As defined by Procurement Law:

The central policy and monitoring organ established pursuant to Article 93 of Procurement Law.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

The central policy and monitoring unit established pursuant to the Law.

Source: <http://goo.gl/PtjQPF>

Procurement Proceeding

As defined by Procurement Law:

The procurement activities that follow the decision by the initiation authority as mentioned in Annex A of this law to conduct a procurement, including any pre-qualification proceedings, and terminates with the completion of the procurement in accordance with the procurement contract.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

The procurement activities that follow the decision by the initiation authority as mentioned in the PPL Annex A, to conduct a procurement, including any pre-qualification proceedings, and terminates with the completion of the procurement in accordance with the procurement contract.

Source: <http://goo.gl/PtjQPF>

Procurement Unit (Shoba)

As defined by Procurement Law:

The unit designated to manage and conduct, all procurements of the relevant procuring entity, and having the monetary award authority indicated in Annex A of Procurement Law.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

The unit designated to manage and implement all procurements of the relevant procuring entity and having the monetary award authority indicated in Article 91 of PPL.

Source: <http://goo.gl/PtjQPF>

Procuring Entity

As defined by the National Procurement Authority (NPA):

The entity responsible for applying the provisions of the PPL to procurement, within the limits of its authority.

Source: <http://goo.gl/PtjQPF>

Products for Sale

As defined by the Minerals Law:

Any mineral substances extracted and/or any products obtained from these substances after processing or transformation for commercial purposes.

Source: <http://goo.gl/9rJGcK>

Profit and Loss Account

As defined by Article 442 of Commercial Code:

At least five per cent of the profit that is, at the time of its distribution, kept as reserved capital in order to compensate for possible losses of the company.

Source: <https://goo.gl/A9f0U9>

Program

As defined by Public Finance and Expenditure Law:

A collection of consolidated activities of a ministry or other administration or institution of the State which has been arranged according to a pre-prepared plan, for public services.

Source: <http://goo.gl/IvtMtn>

Progress Payments

As defined by the National Procurement Authority (NPA):

Periodic payments, in advance of delivery or completion of the full contract. Such payments are usually linked, contractually, to different stages in the manufacturing process of a product (equipment) and civil construction or the services rendered.

Source: <http://goo.gl/PtjQPF>

Promise

As defined by article 693 of Civil Law:

A commitment that person undertakes for another one in future. It shall not imply immediate undertaking. Promise may be made to conclude contract or act.

Source: <https://goo.gl/ZWdfP4>

Property

As defined by Law on Debt Collection:

Cash, valuable documents of financial claim, all moveable properties and unmovable commodities that are property of debtor and guarantor or their remainder.

Source: <http://goo.gl/yx02bU>

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

Possessions or things capable of ownership and includes

movable and immovable property.

Source: <http://goo.gl/Jh3FS7>

As defined by Article 472 of Civil Law:

A physical object or right that has material value among people.

Source: <https://goo.gl/ZWDfP4>

Proposal

As defined by the Minerals Law:

The document carrying the proposal of the bidder for obtaining the minerals right in accordance with the provisions of the Article 17 of Minerals Law.

Source: <http://goo.gl/9rJGcK>

Proprietor

As defined by the Land Reform Law:

The person who, in accordance with authentic legal documents, is in possession of his property.

Source: <http://goo.gl/w5zAeR>

Propriety Article

As defined by the National Procurement Authority (NPA):

An article manufactured and sold by a patentee or by his licensee.

Source: <http://goo.gl/PtjQPF>

Prospecting

As defined by the Minerals Law:

Any activity which a person carries out to search and to discover indications of the existence of mineral substances by studying the information observable from the surface,

including by means of physical observation, remote or aerial sensing techniques or rock sampling without disturbing the land or the surface of land and without harming the environment.

Source: <http://goo.gl/9rJGcK>

Protected Area

As defined by Islamic Republic of Afghanistan Environment Act:

A geographically defined area which is designated and regulated to achieve specific conservation objectives.

Source: <http://goo.gl/yuTChd>

Protected Landscape

As defined by Islamic Republic of Afghanistan Environment Act:

An area of land managed mainly for landscape conservation and recreation where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, cultural or ecological value, and often with high biological diversity, the integrity of which needs to be protected and maintained in order to allow it to continue to evolve.

Source: <http://goo.gl/yuTChd>

Provisional Acceptance

As defined by the National Procurement Authority (NPA):

Constitutes technical acceptance, with or without, minor technical reservations of goods and equipment supplied to, or installed on the procuring entity's site. Acceptance should be confirmed by a Certificate of Provisional Acceptance. The date of the provisional acceptance marks the start of the guarantee period and signifies a transfer of property rights from the supplier to the procuring entity.

Source: <http://goo.gl/PtjQPF>

Provisioning

As defined by the National Procurement Authority (NPA):

The process of determining the range and quantity of items (such as spares and repair parts, special tools, test equipment and support equipment) required for the maintenance of equipment for specified period of service. It includes the identification of items and arrangements with the supplier for their supplies when needed and/ or stocking of these if there are indications that these may not be easily available when required.

Source: <http://goo.gl/PtjQPF>

Psychotropic Substance

As defined by Counter Narcotics Drug Law:

A drug in one of the tables annexed to the 1971 Convention on Psychotropic Substances.

Source: <http://goo.gl/Jd1J6Z>

Public Authorities

As defined by the National Procurement Authority (NPA):

State, regional, and local authorities and bodies governed by public law.

Source: <http://goo.gl/PtjQPF>

Public Body

As defined by Islamic Republic of Afghanistan Environment Act:

An organization that exercises public functions and includes the United Nations, the World Bank, the Asian Development Bank, and bilateral donor agencies.

Source: <http://goo.gl/yuTChd>

Public Entity

As defined by the National Procurement Authority (NPA):

Any Ministry, Independent Head of departments, State owned enterprises, other budgetary unit or instrument of the State, or a company in which the share of State ownership exceeds 25 percent.

Source: <http://goo.gl/PtjQPF>

Public Funds

As defined by the National Procurement Authority (NPA):

The moneys or other financial assets defined in Art.8 of the Public Finance and Expenditure Management Law, and includes any monetary resources appropriated to procuring entities through budgetary processes, as well as extra budgetary funds including aid grants and credits put at the disposal of procuring entities by foreign donors, and revenues of procuring entities.

Source: <http://goo.gl/PtjQPF>

As defined by The Rules of Procedure for Public Procurement:

the moneys or other financial assets defined in article 8 of the Public Finance and Expenditure Management Law, and includes any monetary resources appropriated to procuring entities through budgetary processes, as well as extra budgetary funds including aid grants and credits put at the disposal of procuring entities by foreign donors, and revenues of procuring entities.

Source: <http://goo.gl/7Xsvyk>

Public Instruments

As defined by Article 13 of Penal Code:

(1) Speech is considered "public" when it is made in public

gathering, public way, or other places in such a loud voice, or broadcast by other means in such a way, that if anyone were present in there, he could have heard it.

- (2) An act is considered "public" when it takes place in public gathering, public way, or other places in such a way that if anyone were present there, he could have seen it.
- (3) Painting, picture, film, writing, cipher, and other instruments of exhibition are considered "public" when they are distributed to more than one person or is put on display in such a way that if anyone were present there, he could have seen it, or is sold or presented for sale.

Source: <http://goo.gl/X0Ywpj>

Public Legal Person

As defined by Article 338 of Civil Law:

Includes the government, its departments, sub-departments or its related branches, and public institutions.

Source: <https://goo.gl/ZWDfP4>

Public Official

As defined by Counter Narcotics Drug Law:

Any officer, employee, or person acting for, on behalf, or under the authority of a government agency.

Source: <http://goo.gl/Jd1J6Z>

Public Place

As defined by Law on Gatherings, Strikes, and Demonstrations:

Refers to those streets, fields, parks, and other spaces where people can move freely.

Source: <http://goo.gl/RXGshX>

Public Properties

As defined by Article 482 of Civil Law:

Public properties are as follows:

- (1) Movable and immovable properties of the state.
- (2) Movable and immovable properties of legal persons.
- (3) Movable and immovable properties allocated to public benefits and interests.
- (4) Movable and immovable properties recognized as public by provision of law.

Source: <https://goo.gl/ZWDfP4>

**Public Services
Management Contract**

As defined by Article 1525 of Civil Law:

A contract for managing public services that are beneficial and concluded between government and individual or government and company and according to which utilization of public services shall be given to contractor for a specified period.

Source: <https://goo.gl/ZWDfP4>

Public Warehouses

As defined by Article 736 of Commercial Code:

Places wherein stocks and goods of people accepted as deposit or mortgage and legal receipts are given in return for them to their customers.

Source: <https://goo.gl/A9f0U9>

**Public Welfare
Associations**

As defined by Article 440 of Civil Law:

Public welfare associations are those that are created to secure public benefits.

Source: <https://goo.gl/ZWDfP4>

Publicity

As defined by the National Procurement Authority (NPA):

Secured by means of procurement notices on business opportunities as well as invitations to bid within the open

tender procedure. Publicity can be secured locally and international by selecting corresponding media.

Source: <http://goo.gl/PtjQPF>

Purchase and Assumption Transaction

As defined by the Banking Law:

A transaction in which a financially sound bank purchases assets and assumes liabilities from a bank in conservatorship or receivership.

Source: <http://goo.gl/6uuIUg>

Purchase Money Securing Charge

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A securing charge on goods taken or retained by a seller of the goods to secure all or part of their purchase price. A purchase money securing charge:

- (1) Includes a securing charge taken by a person other than the seller who, by providing financing, gives value that allows the chargor to acquire ownership of the collateral.
- (2) Includes the right of a seller, lessor, or consignor in a transaction referred to in this law.
- (3) Includes charges for financing payable to a charge holder.

Source: <http://goo.gl/Jh3FS7>

Qardul Hassana

As defined by the Banking Law:

A contract upon which a party places funds with another party and receives the same amount at a specified date in the future.

Source: <http://goo.gl/6uuIUg>

Qaryadar (Malek) or Wakil Guzar

As defined by Law of Bankruptcy:

Boss of the village to which a trader belongs.

Source: <http://goo.gl/ZVTIY2>

Qualification for Mining Industry

As defined by the Minerals Law:

The exercise of that degree of skill, diligence, prudence, and foresight that would ordinarily be expected from a skilled and experienced operator under similar circumstances, adhering to internationally recognized standards.

Source: <http://goo.gl/9rJGcK>

Qualifying Extractive Industries Taxpayer (QEIT)

As defined by Afghanistan Income Tax Law:

Refers to a person that holds a mining license or mining authorization or is party to a hydrocarbons contract.

Source: <http://goo.gl/AGtuLK>

Qualifying Extractive Industries Taxpayer (QEIT) Asset

As defined by Afghanistan Income Tax Law:

An asset that:

- (1) Has an effective life of more than 12 months; and
- (2) Is constructed or acquired to be used directly in the business stated in the mining License, mining Authorization or hydrocarbons Contract.

Source: <http://goo.gl/AGtuLK>

Qualifying Holding

As defined by the Banking Law of 2015:

Having, alone or acting in concert with one or more other persons, the beneficial ownership of at least 5% of any category of voting.

Source: <http://goo.gl/6uuIUg>

As defined by the 2004 Law of Banking in Afghanistan:

A direct or indirect holding in an undertaking which represents 10% or more of the capital or the voting rights or which makes it possible to exercise significant influence over the management of the undertaking in which the holding subsists.

Source: <http://goo.gl/6DeK6e>

Quality

As defined by the National Procurement Authority (NPA):

The term covering any and every characteristic property and/or performance of a product or service that can be evaluated to determine whether the product or service meets the specified requirements.

Source: <http://goo.gl/PtjQPF>

Quality Certification

As defined by the National Procurement Authority (NPA):

Scheme set up by exporting countries, by law or practice, for certifying specifications. An importer must determine the independence and prove reliability of inspection and certification institutions operating under such systems, which may be government departments or private sector bodies.

Source: <http://goo.gl/PtjQPF>

Quality Control

As defined by the National Procurement Authority (NPA):

A systematic approach to inspection of products (services) during the process of production (rendering) to ensure that the products (results) meet the expected use or performance standards as well as to identify the source of defects in materials used, workmanship, performance, design, or technique of production.

Source: <http://goo.gl/PtjQPF>

Quality Deficiency

As defined by the National Procurement Authority (NPA):

A defect or a deficiency as a result of which an item is not fit for the intended use or does not perform as expected. This may include deficiencies in the technical requirements of material, drawing and specification requirements. A quality deficiency may be attributable to a deficiency in design, in material or workmanship.

Source: <http://goo.gl/PtjQPF>

Quantity Discount

As defined by the National Procurement Authority (NPA):

A price reduction granted by a bidder linked to the quantity of a proposed purchase.

Source: <http://goo.gl/PtjQPF>

Quarry Authorization

As defined by the Minerals Law:

An authorization for quarry exploration, an authorization for quarry exploitation or an authorization for tailings exploitation (artificial deposits of quarry materials), which is granted by the Ministry of Mines in accordance with the provisions of Minerals Law and the Mining Regulations.

Source: <http://goo.gl/9rJGcK>

Quotation

As defined by the National Procurement Authority (NPA):

Another term used for bid or offer for small value purchase.

Source: <http://goo.gl/PtjQPF>

Radio Communication

As defined by Law for Regulating Telecommunication Services:

Any transmission, emission, or reception of signs, signals, writing, images, sounds or intelligence of any event by means of electromagnetic waves and frequencies lower than 3,000 GHz which is propagated in space in an unnatural way.

Source: <http://goo.gl/T1vM59>

Rahnamai Mamelaat

A property dealer.

Rate Contract

As defined by the National Procurement Authority (NPA):

The system of establishing a price for supplies at that price over a specified period of time. It is also sometimes referred to as a running contract.

Source: <http://goo.gl/PtjQPF>

Rating of Vendors

As defined by the National Procurement Authority (NPA):

The evaluation and comparison of bidder's performance principally as regards quality, timely delivery, and prices.

Source: <http://goo.gl/PtjQPF>

Real Right

As defined by Article 485 of Civil Law:

- (1) Direct dominance of person over substance of object that is granted by law.
- (2) Real rights are either principal (see principal real rights) or subordinate (see subordinate real rights).

Source: <https://goo.gl/ZWdfP4>

Rebate

As defined by the National Procurement Authority (NPA):

A sum of money abated by the bidder to a procuring entity in consideration of the purchase of a stipulated quantity or value of goods within a stated period.

Source: <http://goo.gl/PtjQPF>

Receipt

As defined by Article 738 of Commercial Code:

A document of taking delivery.

Source: <https://goo.gl/A9f0U9>

Recidivist

As defined by Article 152 of Penal Code:

The following persons are considered recidivist:

- (1) A person who has been sentenced to a punishment for committing felony and commits felony or misdemeanor after the issuance of final verdict and prior to expiration of the deadline fixed by law for restoration of honor.
- (2) A person who has been sentenced to a punishment for committing misdemeanor and commits a felony after the issuance of final verdict and prior to the expiration of the deadline fixed by law for restoration of honor.

Source: <http://goo.gl/X0Ywpj>

Reciprocal Contract

As defined by article 693 of Civil Law:

Requires establishment of ownership of each of parties of

consideration given in return to his property and obligate each of them to deliver his property to the other party.

Source: <https://goo.gl/ZWDfP4>

Recognized Authority As defined by Law for Regulating Telecommunication Services:

The approving body specified by the Telecommunication Regulatory Authority.

Source: <http://goo.gl/T1vM59>

Recognized Standard As defined by Law for Regulating Telecommunication Services:

Technical specifications or other standards published by a recognized international authority.

Source: <http://goo.gl/T1vM59>

Recurring Demand As defined by the National Procurement Authority (NPA):

Procurement request(s) made by a user (department) on the basis of continuing requirements.

Source: <http://goo.gl/PtjQPF>

Refund As defined by Customs Law:

The total or partial repayment of a customs debt which has been paid.

Source: <http://goo.gl/DLKZjK>

Register As defined by the Law of Petroleum and Gas (Hydrocarbons):

The registration of documents, reports and records of

petroleum and gas.

Source: <http://goo.gl/thT5go>

Registered Seed

As defined by Seed Law:

Seed produced from foundation seed and fulfilled all established requirements for such seed and is used for the production of certified seed.

Source: <http://goo.gl/BG5xjf>

Registration of Interest As defined by the National Procurement Authority (NPA):

To register all bidders being interested in the tender or prequalification of a specific project. The register compiled is basis for the preparation of a short list and/ or invitations to bid.

Source: <http://goo.gl/PtjQPF>

Registry

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

An office that registers a secured transaction on movable property and its related documents and keeps the records.

Source: <http://goo.gl/Jh3FS7>

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

An office that registers the Document of Title, mortgage transactions and its relevant documents and keeps the records.

Source: <http://goo.gl/zVsjuu>

Regulated Drugs

As defined by Counter Narcotics Drug Law:

All plants and substances, including their chemical preparations and their derivatives, and chemical precursors that are listed in Tables 1 - 4, derived from the United Nations International Conventions on Drugs, attached to the Counter Narcotics Drug Law.

Source: <http://goo.gl/Jd1J6Z>

Regulatory Capital

As defined by the Banking Law:

The sum of core and supplemental capital, plus subordinated debt under certain conditions, minus certain deductions. The components of core and supplemental capital, the conditions under which subordinated debt may be included in the calculation of regulatory capital, and items that must be deducted in determining regulatory capital, are determined by Da Afghanistan Bank's regulations.

Source: <http://goo.gl/6uuIUg>

Rehabilitation and Mitigation Plan

As defined by the Minerals Law:

A plan required for the operations relating to an exploration license or an authorization for quarry exploration pursuant to which a license holder undertakes to carry out certain mitigation measures of the impact of its activities on the environment and social conditions as well as rehabilitation measures and provides a cash guarantee to cover the costs of mitigation and rehabilitation of the environment and social conditions.

Source: <http://goo.gl/9rJGcK>

Reinsurance

As defined by Insurance Law:

Insurance of insurance risks with other insurance companies on the basis of contracts and agreements.

Source: <http://goo.gl/czjs6F>

**Rejection Advice
(Note)**

As defined by the National Procurement Authority (NPA):

A communication by the procuring entity to the supplier notifying him of the rejection of goods supplied or services rendered for nonconformity to quality or breach of any other contractual commitment.

Source: <http://goo.gl/PtjQPF>

Related Persons

As defined by the Banking Law:

- (1) Enterprises that are members of the same group of enterprises as the bank.
- (2) Members of the board of supervisors and management board of the bank, or of any enterprise that is a member of the same group of enterprises as the bank (or equivalent bodies), and close relatives of these persons.
- (3) Any person having a qualifying holding in the bank, or in any enterprise in the same group of enterprises as the bank, and close relatives of these persons.
- (4) Enterprises in which persons referenced in subparagraphs 2 and 3 have a 20% participation.

Source: <http://goo.gl/6uuIUg>

Release of Goods

As defined by Customs Law:

The act whereby the customs make goods available to the declarant for placement or disposition under a customs

designation or process.

Source: <http://goo.gl/DLKZjK>

Reluctance

As defined by Article 93(1) of Penal Code:

A person who commits a crime under the influence of a moral or material force, repulsion of which is not possible otherwise is not considered responsible.

Source: <http://goo.gl/X0Ywpj>

Remedy

A remedy is some form of redress offered by the law to compensate the victim of a contractual breach. The general goal of a remedy is to put the victim of the breach in the position that he would have been in had the contract been carried out as expected. Generally, the law offers two types of remedy: monetary relief and specific performance.

Remission (lit. “cession” -Wagozari)

As defined by Customs Law:

A decision to waive all or part of a customs debt prior to entry or after entry and before payment in accordance with article 151 of Customs Law.

Source: <http://goo.gl/DLKZjK>

Reorder Point Stock

As defined by the National Procurement Authority (NPA):

A pre-specified stock quantity level of an item in a store at which requisition action is initiated to avoid stock out.

Source: <http://goo.gl/PtjQPF>

Reporting Entity

As defined by Anti-Money Laundering and Proceeds of Crime Law:

- (1) Financial institutions, including branches and

representative offices of nonresident financial institutions.

- (2) Da Afghanistan Bank, to the extent that it engages in commercial banking services under Article 129 of the DAB Law.
- (3) Dealing in bullion, precious metals, and precious stones, to the extent that they are engaging in a cash transaction equal to or exceeding 1,000,000 Afghani.
- (4) A lawyer, rahnamai mamelaat (transaction guide), other independent legal professional, or accountant, when they arrange or carry out transactions for their client concerning the following activities:
 - (a) Buying and selling immovable assets; managing client money, securities, or other assets.
 - (b) Opening or managing bank savings accounts or a securities service provider account.
 - (c) Securing capital necessary for the creation, operation, or management of companies; and
 - (d) Creating, operating, or managing a legal person or business organization and buying and selling of business entities.
 - (e) Real estate agent to the extent that such agent is engaging in transactions concerning the buying and selling of real estate.
 - (f) Such other entities and activities and in such circumstances as may be prescribed by regulation of Da Afghanistan Bank.

Source: <http://goo.gl/6R7m5d>

Representative Office

As defined by Law of Banking in Afghanistan:

A place of business forming a legally dependent part of a bank where no deposits or other repayable funds may be received from the public.

Source: <http://goo.gl/6DeK6e>

Request for Proposals (RFP)

As defined by Procurement Law:

The document utilized for procurement of consultants' services, in accordance with this law, in which the procedures and conditions for submission of proposals is described.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

The document package utilized for procurement of, consultants' services using request-for-proposals proceedings, in accordance with the Law, in which the procedures and conditions for submission and evaluation of proposals, and the contractual terms are described.

Source: <http://goo.gl/PtjQPF>

Request for Proposals Proceedings

As defined by the National Procurement Authority (NPA):

The procurement method provided by the Public Procurement Law, to be utilized for procurement of consultants' and other intellectual services.

Source: <http://goo.gl/PtjQPF>

Request for Quotations As defined by Procurement Law:

The document used to carry out low-value procurement of standard goods services or works, in accordance with the provisions of Procurement Law.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

The document used to carry out low-value procurement of standard goods or works or non-consultancy services utilizing request-for-quotations proceedings, in accordance with the Law.

Source: <http://goo.gl/PtjQPF>

Request for Quotations Proceedings As defined by The Rules of Procedure for Public Procurement:

The simplified procurement method, provided by article 21 of the Minerals Law, to carry out low-value procurement of standard goods or routine works or non-consultancy services.

Source: <http://goo.gl/7Xsvyk>

As defined by the National Procurement Authority (NPA):

The simplified procurement method, provided by Law, used to carry out low-value procurement of standard goods or routine works or non-consultancy services.

Source: <http://goo.gl/PtjQPF>

Requirement As defined by the National Procurement Authority (NPA):

The maximum overall estimated need of a good or service

over a specific period of time for purposes of procurement, budgeting, and planning.

Source: <http://goo.gl/PtjQPF>

Rescission

As defined by Article 132 of Civil Law:

A breach of marriage contract due to occurrence of disruptions during conclusion of the contract or after that, in such a way that it prevents continuation of marriage.

Source: <https://goo.gl/ZWDfP4>

Resident

A person that has his or her principal home in Afghanistan at any time during the fiscal year or that is present in Afghanistan for at least 183 days during the year or that is a government employee assigned abroad for any part of the fiscal year.

Residuary

As defined by Article 2012 of Civil Law:

The residuary are, according to Sharia, those who are entitled to all of the inheritance in case of nonexistence of quota holders and in case of existence of quota holders, if they are not excluded from the inheritance, the residuary shall receive whatever remains from the inheritance after quota holders receive their shares.

Source: <https://goo.gl/ZWDfP4>

Responsive Bid

As defined by the National Procurement Authority (NPA):

A bid that offers to provide goods, works or services in accordance with the requirements for the procurement of the same as they are described in the bid document, a request for proposals, or request for quotation.

Source: <http://goo.gl/PtjQPF>

Restaurant Services

As defined by Afghanistan Income Tax Law:

The provision of food or beverages by an establishment that provides for immediate consumption at that establishment, or catering services of prepared food, or sale of cooked foods that were prepared on the premises.

Source: <http://goo.gl/AGtuLK>

Restricted Area

As defined by the Minerals Law:

Any unauthorized area designated as a prohibited area in accordance with Article 13 of Minerals Law.

Source: <http://goo.gl/9rJGcK>

Restricted Tender

As defined by Procurement Law:

The tender in which the invitation to bid is extended to a limited number of bidders.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

The procurement method, provided by the public procurement Law, in which the invitation to bid may be extended to a limited number of bidders.

Source: <http://goo.gl/PtjQPF>

Return Without Expense or Without Protest

As defined by Article 516 of Commercial Code:

When the phrase “return without expense” or “without protest” or other phrases signifying this meaning is on a bill of exchange, the bearer of this bill shall be considered exempted from recourse to non-acceptance or non-payment protest, but the bearer the bill shall be obligated, during the designated period, to notify the endorsers and the issuer.

Source: <https://goo.gl/A9f0U9>

Review Board

As defined by the National Procurement Authority (NPA):

Refers to the three-person Board appointed by the Chairman of the Administrative Review Committee from among the members of the Administrative Review Committee pursuant to the Provisions of article 72.1 & article 72.2 public procurement Law (as amended January 2009) for the purposes of considering and deciding upon individual applications for review that are brought before the Administrative Review Committee.

Source: <http://goo.gl/PtjQPF>

Revocable Valid Contract

As defined by article 650 of Civil Law:

A contract that does not bind one or both parties of contract and in which one of the parties has option of rescission.

Source: <https://goo.gl/ZWDfP4>

Right Holder

As defined by the Minerals Law:

A person to whom a mineral right is registered by the Mining Cadastre. A lessee of a mineral right under a lease registered with the Mining Cadastre is also included in this definition.

Source: <http://goo.gl/9rJGcK>

Right of Long-Term Lease (Hokr)

As defined by Article 2323 of Civil Law:

Right of Hokr means a real right in order to maintain land for construction and planting or one of these two in return for specific fee.

Source: <https://goo.gl/ZWDfP4>

Right of Water

As defined by Article 2346 of Civil Law:

Right of water is a turn of using water for irrigation of crops or trees.

Source: <https://goo.gl/ZWDfP4>

Right to Retention

As defined by Articles 842 – 844 of Civil Law:

- (1) Each of contracting parties may, in financial exchanges, keep subject of contract with himself until he is not given delivery of consideration.
- (2) If person bears necessary and useful costs for property of other that is under his legitimate possession, he may refuse to return the property return to owner until he obtains what he is legally entitled to, unless obligation for returning the property arises from illegitimate action.
- (3) Person who promises to give a property, he may refuse to give the mentioned property until the other party performs the obligation deriving from debtor's relevant promise or gives adequate guarantee for performing it.

Source: <https://goo.gl/ZWDfP4>

Robber

As defined by Article 447 of Penal Code:

Any person who takes position on a public route our such other places for the purpose or gaining possession of goods by means of overpowering with a weapon or an object similar to a weapon and commits one of the following acts shall be considered a robber:

- (1) Extortion of wayfarer.
- (2) Acquiring other person's goods by threat or coercion.
- (3) Murder.
- (4) Murder and acquisition of other person's goods.

Source: <http://goo.gl/X0Ywpj>

Rules	<p>As defined by the National Procurement Authority (NPA):</p> <p>Means the Afghan rules of procedures for public procurement prepared and issued by PPU in accordance with the provisions of PPL.</p> <p>Source: http://goo.gl/PtjQPF</p>
Rural Area	<p>As defined by Law for Regulating Telecommunication Services:</p> <p>A sparsely populated area, located outside cities, where the Telecommunication Regulatory Authority will take into consideration a determined telecom system at the time of providing and predicting specific telecom services for such area.</p> <p>Source: http://goo.gl/T1vM59</p>
Safekeeping	<p>As defined by Article 1634 of Civil Law:</p> <p>A contract whereby parties to a dispute deposit movable or immovable or all of disputed properties with another person in order to be preservation and administration until the time of resolution of dispute so that safekeeper returns the property with its yields to the person whose right over the property is proven.</p> <p>Source: https://goo.gl/ZWDfP4</p>
Salam (Advance Sale)	<p>As defined by Article 1124 of Civil Law:</p> <p>Salam (advance) is selling deferred price for urgent price.</p> <p>Source: https://goo.gl/ZWDfP4</p>
Sale	<p>As defined by the Banking Law:</p> <p>The promise of contract of sale on the basis of which the state-</p>

owned land plot shall be submitted to eligible person after he pays the price.

Source: <http://goo.gl/AKUT9y>

Sale Contract

As defined by Article 1035(1) of Civil Law:

The transfer of ownership of property by seller to buyer in exchange for a property that is consideration for object of sale.

Source: <https://goo.gl/ZWDFP4>

Sale Price

As defined by the Banking Law:

The price paid by the eligible person in accordance with the law applicant on the basis of the law provisions.

Source: <http://goo.gl/AKUT9y>

Saleable Property

As defined by Law on Debt Collection:

Surplus of the following property:

- (1) The residential house that has the value in center of provinces up to 300000 Afghani and in the districts 100000 Afghani. The price of the house can be proved by the rules of the Ministry of Public Work.
- (2) House equipment.
- (3) Five Jereeb (The traditional measuring, equal to 3003.04 square meters or 3600 square yards) the best forming land or its equivalent, if the debtor is former.

Source: <http://goo.gl/yx02bU>

Samoon-Mal

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Equivalent to the rank of Lieutenant-Colonel in the military and Fourth Grade of civil service (or Superintendent of Police).

Source: <http://goo.gl/tyGsnb>

Samoon-Wal

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Equivalent to Colonel rank in the military and Third Grade of civil service (or Chief superintendent of Police).

Source: <http://goo.gl/tyGsnb>

Samoon-Yar

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Equivalent to the rank of Major in the military and Fifth Grade of civil service (or Chief-Inspector of Police).

Source: <http://goo.gl/tyGsnb>

Sample

As defined by the National Procurement Authority (NPA):

A sample to be furnished by bidders along with their bids/offers to establish the quality of the products being offered.

Source: <http://goo.gl/PtjQPF>

Sam-Sariyan

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

Equivalent to the rank of Captain in the military and Sixth Grade of civil service (or Inspector of Police).

Source: <http://goo.gl/tyGsnb>

Sarf (Exchange Sale)	<p>As defined by Article 1133 of Civil Law:</p> <p>Sarf shall be sale of money for money.</p> <p>Source: https://goo.gl/ZWDfP4</p>
Sarman	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Equivalent to the rank of Lieutenant in the military and Seventh Grade of civil service.</p> <p>Source: http://goo.gl/tyGsnb</p>
Satanman	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Roughly implies “sergeant” as a police officer.</p> <p>Source: http://goo.gl/tyGsnb</p>
Satoonkais	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Persons serving their conscription terms or draftees.</p> <p>Source: http://goo.gl/tyGsnb</p>
Sawaneh	<p>As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:</p> <p>Comparable to the term ‘police personnel cards’ which includes the personal history written by the recruits and the subsequent records of their official life.</p> <p>Source: http://goo.gl/tyGsnb</p>

Secondary Cooperative

As defined by the Cooperative Law:

A cooperative formed by at least three cooperatives.

Source: <http://goo.gl/PDlpxv>

Secret or Electronic Surveillance

As defined by Counter Narcotics Drug Law:

Surveillance authorized by a competent court in accordance with the provisions of law. This surveillance includes the following activities:

- (1) Watching in private places using human or technical means.
- (2) Interception of communications.
- (3) Opening of mail; and,
- (4) Inspection of bank accounts and records of other financial activity.

Source: <http://goo.gl/Jd1J6Z>

Securing Agreement

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

The written agreement between chargor and charge holder for one or more transactions.

Source: <http://goo.gl/Jh3FS7>

Securing Charge

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A real right in Movable Property, whether present or future. It secures one or more debts that arise before or after the

securing agreement is signed.

Source: <http://goo.gl/Jh3FS7>

Securities

As defined by the National Procurement Authority (NPA):

The funds in cash or in kind, immovable property, or bank guarantee or any other such instrument that the bidder provides to secure his obligations in the tender proceedings and that the contractor provides in fulfilling its obligations under procurement contract.

Source: <http://goo.gl/PtjQPF>

Securities Transfer System

As defined by the Afghanistan Bank Law:

Any procedures, including communication networks, agreed between three or more securities service providers for the transfer of securities, for the clearing or settlement of transactions in securities, against payments in other securities or in cash.

Source: <http://goo.gl/h3iGQk>

Security

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A negotiable financial instrument.

Source: <http://goo.gl/Jh3FS7>

As defined by the Afghanistan Bank Law:

A negotiable financial instrument (whether in the form of a certificate or in book-entry form) of one of the following categories:

- (1) Shares, or certificates or receipts in respect of shares.
- (2) Debt securities, whether or not convertible into shares.
- (3) Derivatives.
- (4) Shares or participation units in investment funds.
- (5) Any other negotiable financial instrument declared to be a security by regulation of Da Afghanistan Bank.

Source: <http://goo.gl/h3iGQk>

Security Contracts

As defined by Article 1665 of Civil Law:

Contracts that secure debt and they are bail, assignment (Hawala) and mortgage.

Source: <https://goo.gl/ZWDfP4>

Security Measures

As defined by Article 122 of Penal Code:

Security measures are:

- (1) Measures for deprivation of liberty.
- (2) Measures for limitation of liberty.
- (3) Measures for deprivation of rights.
- (4) Financial measures.

Source: <http://goo.gl/X0Ywpj>

Seed Lot

As defined by Seed Law:

A specified quantity of seed which is of one variety and whose origin, history and weight are known.

Source: <http://goo.gl/BG5xjf>

Seizure As defined by Anti-Money Laundering and Proceeds of Crime Law:

Provisionally assuming custody or control of funds and property by a competent authority on the basis of an order issued by a court.

Source: <http://goo.gl/6R7m5d>

Sejel As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

A special form to be filled by a superior for purposes of promotion.

Source: <http://goo.gl/tyGsnb>

Self-Certification As defined by the National Procurement Authority (NPA):

A form of conformity certification in which one or more manufacturers are responsible for conformity certification of their products with no surveillance from any certification body.

Source: <http://goo.gl/PtjQPF>

Service Personnel As defined by the Labor Law:

Persons employed by an administration on a contractual basis to carry out [auxiliary] services supporting work.

Source: <http://goo.gl/w5zAeR>

Services As defined by the National Procurement Authority (NPA):

Any object of procurement other than goods or works.

Source: <http://goo.gl/PtjQPF>

Shared Debt

As defined by Article 859 of Civil Law:

Debt with the same cause shall be considered shared, whether it has arisen from a single contract or been transferred to heirs or been spent from common property or given from shared property in exchange of a loan.

Source: <https://goo.gl/ZWDfP4>

Sharia Board

As defined by the Banking Law:

The group of Sharia scholars that endorses and approves the compliance of banking products and activities of an Islamic bank or an Islamic banking window with Sharia principles.

Source: <http://goo.gl/6uuIUg>

Sharkati-tejaraty

As defined by Law of Bankruptcy:

A trader or commercial company.

<http://goo.gl/ZVTIY2>

Shelf Life

As defined by the National Procurement Authority (NPA):

The period of time during which an item, having a limited storage life, is considered to be ready for use.

Source: <http://goo.gl/PtjQPF>

Shell Bank

As defined by the Banking Law:

A bank, or an enterprise engaged in similar activities, incorporated in a jurisdiction in which it has no substantial

physical presence, and which is not part of any group that is subject to supervision on a consolidated basis.

Source: <http://goo.gl/6uuIUg>

Short Imprisonment

As defined by Article 102 of Penal Code:

- (1) Short imprisonment is the confinement of convicted persons in one of the jails allocated for this purpose by the State.
- (2) The duration of short imprisonment is not less than twenty-four hours and more than one year.
- (3) A person sentenced to short imprisonment is not obliged to perform any type of work.

See also: continued imprisonment, long imprisonment, medium imprisonment

Source: <http://goo.gl/X0Ywpj>

Short List

As defined by the National Procurement Authority (NPA):

A list of names and addresses of potential bidders maintained by a procuring entity to whom invitations to bid may be sent. Usually, the elaboration of a short list is the objective of a prequalification procedure.

Source: <http://goo.gl/PtjQPF>

Short Sale

As defined by the National Procurement Authority (NPA):

The sale of a commodity for future delivery which the supplier does not possess but intends to purchase prior to the required delivery date, expecting that the market price will be no higher or will decline during the intervening period.

Source: <http://goo.gl/PtjQPF>

Significant Market Power (SMP)

As defined by Law for Regulating Telecommunication Services:

A service provider who earns 40% or more of the gross revenues in a specific telecommunications market, as defined by the Telecommunication Regulatory Authority, as a specific service category or as a geographic scope.

Source: <http://goo.gl/T1vM59>

Single-Source Procurement

As defined by Procurement Law:

Refers to the method of procurement in which the procurement contract is concluded directly without holding a competitive proceeding as provided for in this law.

Source: <http://goo.gl/4JjsGd>

Single-Source Procurement

As defined by the National Procurement Authority (NPA):

The method of procurement, provided by the public procurement Law, by which the procuring entity awards the procurement contract directly, without holding a competitive proceeding as provided for in the PPL.

Source: <http://goo.gl/PtjQPF>

Small and Medium Scale Exploitation License

As defined by the Minerals Law:

An Exploitation License with specific economic parameters issued in accordance with Article 37 of Minerals Law.

Source: <http://goo.gl/9rJGcK>

Small and Medium Size Mining Deposit

As defined by the Minerals Law:

A deposit designated as such in accordance with Article 37 of Minerals Law.

Source: <http://goo.gl/9rJGcK>

Small Trader

As defined by Article 12 of Commercial Code:

Persons whose commerce are based more on their physical endeavors than on cash capital or outcome of their business is so little that it just suffices for sustenance, whether they conduct the business at a shop or a specific place in the market or by moving around, are considered as small traders.

Source: <https://goo.gl/A9f0U9>

**Small-Contracts
Evaluation Team**

As defined by the Minerals Law:

A team of the experts of the Ministry of Mines for evaluating the mining operation contracts of small scales.

Source: <http://goo.gl/9rJGcK>

**Social Security [Social
Insurance]**

As defined by the Labor Law:

A fund contributed jointly by employee[s] and the administration or by the administration alone to assist in ensuring the livelihood of an employee during work or retirement period, as the case may be.

Source: <http://goo.gl/w5zAeR>

Solicitation Documents

As defined by the National Procurement Authority (NPA):

Bidding documents, requests for proposals documents, requests for quotations documents and any other document on the basis of which bidders prepare and submit a bid for the supply of goods, works or services.

Source: <http://goo.gl/PtjQPF>

Solvency

Financial soundness of an entity that allows it to discharge its monetary obligations as they fall due. Insolvency is the inability of an entity to fulfill its obligations as they fall due.

Sources of Rights

As defined by Article 492 of Civil Law:

Sources of rights are legal factors that create rights and consist of legal action and legal event.

Source: <https://goo.gl/ZWDfP4>

Sourcing

As defined by the National Procurement Authority (NPA):

Act of searching for suitable sources of supply.

Source: <http://goo.gl/PtjQPF>

Special Amnesty

As defined by Article 170 of Penal Code:

- (1) Special amnesty is proclaimed by presidential decree and dismisses all or part of the final punishment to which the convict has been sentenced, or it amends the punishment to a lighter punishment which has been anticipated in the law.
- (2) Special amnesty cannot dismiss consequential, complementary, and other consequences of punishments and security measures. Likewise, it cannot affect previously implemented punishments, unless the amnesty decree stipulates the contrary.

See also: general amnesty, dismissed crime

Source: <http://goo.gl/X0Ywpj>

Special Funds

As defined by Public Finance and Expenditure Law:

Any funds granted to the State subject to conditions on how

they may be collected or spent pursuant to financial laws or other laws for a specific objective.

Source: <http://goo.gl/IvtMtn>

**Special Partnership
(Dari: Sherkat-
Tazamoni-Mokhtalet)**

As defined by Afghanistan Income Tax Law:

A partnership in which one or more partners have unlimited liability for debts of the partnership and the rest of the partners have liability limited to their shares of capital in the partnership.

Source: <http://goo.gl/AGtuLK>

**Special Procurement
Commission**

As defined by Procurement Law:

The Committee established in compliance with the provisions of this law to conclude major high-value procurement contracts, in accordance with the Annex A.

Source: <http://goo.gl/4JjsGd>

**Special Procurement
Commission (SPC)**

As defined by the National Procurement Authority (NPA):

The Committee established in compliance with the provisions of article 90 of the public procurement Law to conclude major [high value] procurement contract awards.

Source: <http://goo.gl/PtjQPF>

Specific Performance

A type of remedy under which the court will order the party in breach to perform on the contract as agreed upon. This is a rarer type of remedy and is only justified under circumstances where monetary relief would be insufficient to fully compensate the victim of the breach. In those cases, a court may choose to award specific performance as a remedy.

Specification

As defined by the National Procurement Authority (NPA):

A statement of a set of requirements to be satisfied by a product, material, or process, indicating, whenever appropriate, the procedures by means of which it may be determined whether the requirements given are satisfied. It will generally include physical, chemical and/ or metallurgical properties of a product and/ or its design characteristics and/ or performance standards. It may also include terminology, testing and test methods, packaging, marking and/ or labelling requirements.

Source: <http://goo.gl/PtjQPF>

Specimen

As defined by Islamic Republic of Afghanistan Environment Act:

Any living or non-living specimen of flora or fauna.

Source: <http://goo.gl/yuTChd>

**Spectrum
Management Office**

As defined by Law for Regulating Telecommunication Services:

The branch which is responsible for planning, managing and assignment of radio frequency spectrum.

Source: <http://goo.gl/T1vM59>

Spot Purchase

As defined by the National Procurement Authority (NPA):

Act of purchasing in the spot market (that is at prices ruling on the purchase date) for prompt delivery in contrast to forward purchase made now for future delivery at futures prices.

Source: <http://goo.gl/PtjQPF>

Standard

As defined by the National Procurement Authority (NPA):

The result of a particular standardization effort, approved by a recognized authority. It may take the form of (a) a document containing a set of conditions to be fulfilled; (b) a fundamental unity; or (c) an object for physical comparison.

Source: <http://goo.gl/PtjQPF>

Standardization

As defined by the National Procurement Authority (NPA):

The process of defining and selecting through an agreement characteristic of products, testing, and measuring methods, specification of characteristics of products for defining their quality, regulation of variety, interchangeability, etc.; Many countries have set-up national standard organizations setting out for a large number of products, the essential requirements which a product should measure up to. The International Organization for Standardization (ISO) has been laying down standards for acceptance and adoption of these by member countries. In a tender invitation or enquiry, a reference to a national standard or an international standard (or that of any other country) is usually sufficient for suppliers to know precisely what the procuring entity's requirements are. Standardization is also used in the sense of variety control, i.e., reducing the number of types of products within a definite range to that number which is adequate to meet prevailing needs at a given time.

Source: <http://goo.gl/PtjQPF>

Start of Commercial Production

As defined by the Minerals Law:

The first day of the first 90-day period throughout which a mine or quarry operates at least at 60% of its rated capacity.

Source: <http://goo.gl/9rJGcK>

State Administrations	<p>As defined by Public Finance and Expenditure Law:</p> <p>All administrations which are established within the framework of the Executive, the Legislative or the Judiciary inside or outside Afghanistan, in accordance with law.</p> <p>Source: http://goo.gl/IvtMtn</p>
State Civil Servant	<p>As defined by the Labor Law:</p> <p>A person that is employed on a permanent basis in accordance with the provisions of this Law and the relevant law by the Civil Service Commission.</p> <p>Source: http://goo.gl/w5zAeR</p>
State of War	<p>As defined by Article 202 of Penal Code:</p> <p>State of war is the period between commencement and of engagement. The period in which immediate chance of engagement with enemy exists is also considered as the state of war.</p> <p>Source: http://goo.gl/X0Ywpj</p>
Staying Place of a Tourist	<p>As defined by Tourism Law:</p> <ol style="list-style-type: none"> (1) Hotel (2) Guest house (3) Club (4) Villa (5) Entertaining centers

(6) Catripping.

(7) Caravan (parks)

Source: <http://goo.gl/kT9BE0>

Stock

As defined by the National Procurement Authority (NPA):

The quantity of all raw materials, components, parts, work in progress and finished goods held in store by an enterprise or a government agency.

Source: <http://goo.gl/PtjQPF>

Stock Exchange

Organized and regulated financial market where securities (e.g., bonds, stocks) are bought and sold at prices governed by the forces of demand and supply. Stock exchanges basically serve as:

- (1) Primary markets where corporations, governments, municipalities, and other incorporated bodies can raise capital by channeling savings of the investors into productive ventures; and,
- (2) Secondary markets where investors can sell their securities to other investors for cash, thus reducing the risk of investment and maintaining liquidity in the system.

Stock/Shares

A stock is some evidence of ownership that represents an equal proportion of a firm's capital. It entitles its holder (the shareholder) to an equal claim on the firm's profits and an equal obligation for the firm's debts and losses.

Stores of Tailings

As defined by the Minerals Law:

The material remained from the exploitation of mines or quarries, or any solid or liquid residues derived from processing.

Source: <http://goo.gl/9rJGcK>

Stowage

As defined by the National Procurement Authority (NPA):

Charges connected with stowing of goods in a ship.

Source: <http://goo.gl/PtjQPF>

Straight Bill of Lading

As defined by the National Procurement Authority (NPA):

A non-negotiable bill of lading which provides that a shipment be delivered direct to the consignee named therein. The delivery of goods is not contingent on surrendering the bill of lading but only on its being produced by the consignee as means of identification.

Source: <http://goo.gl/PtjQPF>

Strict Nature Reserve

As defined by Islamic Republic of Afghanistan Environment Act:

A natural area without permanent or significant habitation managed to conserve the natural condition of outstanding or representative ecosystems, geological or physiological features or species, retaining their main features, natural character and influence, and available primarily for scientific research or environmental monitoring, or large areas of unmodified or slightly modified land.

Source: <http://goo.gl/yuTChd>

Strike

As defined by Law on Gatherings, Strikes, and

Demonstrations:

Refers to abstaining from work or not performing one's duty, something which people exercise in order to further specific goals.

Source: <http://goo.gl/RXGshX>

Subcontract

As defined by the Minerals Law:

A contract where the contractor directly or indirectly enters into a contract with another person to carry out work or services relating to mineral activities.

Source: <http://goo.gl/9rJGcK>

Subcontractor

As defined by the National Procurement Authority (NPA):

A person or a firm who enters into an agreement with a prime (main) contractor and undertakes to perform a part of the prime contractor's obligations with reference to the main contract. In construction and turnkey projects, the practice of the procuring entity awarding a contract for the complete job to one (prime) contractor and the latter subcontracting parts to different subcontractors is usual practice. If some of these are defined by the procuring entity, these subcontractors are called nominated subcontractors and the risk of their failure to perform the requested services rests with the supplier.

Source: <http://goo.gl/PtjQPF>

Subject of Contract

As defined by Article 579 of Civil Law:

Existence of a subject, to which contract is attributed and it is eligible for conclusion of contract. Subject of contract may comprise objects, debts, benefits, or other financial rights. Also, subject of contract may be an action or omission.

Source: <https://goo.gl/ZWDfP4>

Subject of Insurance

As defined by Insurance Law:

Human life when faced by death or disability; or objects, goods and properties which are faced with damage and loss.

Source: <http://goo.gl/czjs6F>

Subject of Pledge to Object

As defined by Article 490 of Civil Law:

Subject of pledge to object is substance of certain object on the basis of transferring ownership of object or its benefits or that of delivering or protecting the object.

Source: <https://goo.gl/ZWDfP4>

Subjective Intention

Subjective intention is what a party actually meant to do in a particular situation. This is the opposite of objective intention, where a party's intent is deemed to be what a reasonable person in the position of the other party would understand it to be.

Subordinate Mortgagee

As defined by Law on Mortgage of Immovable Property in Banking Transactions:

The person whose right to the mortgage is subordinate to that of the preferred mortgagee.

Source: <http://goo.gl/zVsjuu>

Subordinate Real Rights

As defined by Article 487 of Civil Law:

Subordinate real rights are rights over object in order to guarantee debt that are exclusive to the following rights:

- (1) Rights of official mortgage.
- (2) Right of possessory mortgage.

- (3) Right of retention of object.
- (4) Appropriation right.
- (5) Priority right (prerogative).

Source: <https://goo.gl/ZWDFP4>

Subsidiary

As defined by Law of Banking in Afghanistan:

Any juridical person in which another person or group of persons acting in concert holds the equivalent of fifty percent or more of the voting shares, or a qualifying holding that permits such other person or group of persons to exercise effective control over the management or policies of the juridical person in which the holding subsists.

Source: <http://goo.gl/6DeK6e>

As defined by the Banking Law:

Any legal person that is controlled by another legal person.

Source: <http://goo.gl/6uuIUg>

Sunnah

As defined by the Universal Islamic Declaration of Human Rights:

The example or way of life of the Prophet, embracing what he said, did or agreed to.

Source: <http://goo.gl/4Mlpo1>

Supervised Financial Institution

As defined by the Banking Law:

A financial institution, or the parent company, or subsidiaries thereof which are mainly or exclusively financial institutions that are subject to prudential supervision in Afghanistan or in

its home country.

Source: <http://goo.gl/6uuIUg>

Supreme Court

As defined in the Constitution of 2004:

The Supreme Court is the highest judicial organ heading the judicial power of the Islamic Republic of Afghanistan. It is comprised of nine members, appointed by the President and with the endorsement of the House of the People (Wolesi Jirga).

Surface Rent

As defined by the Minerals Law:

The fees of the demarcated area of the mining contract the payment conditions and duration of which shall be established in the Mining Regulations.

Source: <http://goo.gl/9rJGcK>

Surplus Stock

As defined by the National Procurement Authority (NPA):

Material assessed to be in excess of the procurement agency's own requirements and set aside for disposal.

Source: <http://goo.gl/PtjQPF>

Surveillance

As defined by Counter Narcotics Drug Law:

The covert watching of a person or group of persons or the covert listening to their conversations over a period of time by a human being or through the use of technical devices.

Source: <http://goo.gl/Jd1J6Z>

Suspended Contract

As defined by article 637(1) of Civil Law:

A suspended contract has no legal effect and shall not state

proof of ownership, except by authorization of person who has authority over subject of contract and acting on it and his authority meets all validity conditions.

Source: <https://goo.gl/ZWDfP4>

Suspension

As defined by Article 595(2) of Civil Law:

Relating something belonging to future, by one of conditional modalities, to realization of another thing in the future.

Source: <https://goo.gl/ZWDfP4>

Suspension of Enforcement

As defined by Article 161(1) of Penal Code:

- (1) When extenuating excuses come into presence in a felony for which the punishment is death, the court can reduce it to continued imprisonment.
- (2) If the punishment for the felony is continued imprisonment or long imprisonment, the court can reduce the continued imprisonment to long imprisonment and the long imprisonment to medium imprisonment.

Source: <http://goo.gl/X0Ywpj>

Suspensive Goods

As defined by Customs Law:

Goods placed under [one or more of the] suspensive processes mentioned in section 20 of this article.

Source: <http://goo.gl/DLKZjK>

Suspensive Process

As defined by Customs Law:

The following customs processes which entail suspension of the payment of the customs debt:

- (1) Transit.

- (2) Customs warehousing.
- (3) Inward processing
- (4) Processing under customs control.
- (5) Temporary importation.

Source: <http://goo.gl/DLKZjK>

Suspicious Transaction As defined by Anti-Money Laundering and Proceeds of Crime Law:

- (1) Any transaction or attempted transaction that may be related to or derived from the commission of an offence.
- (2) Funds that may be linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organizations.

Source: <http://goo.gl/6R7m5d>

Sustainable Management

As defined by Islamic Republic of Afghanistan Environment Act:

Management of the use of natural resources to provide for the health, safety and social, cultural, and economic well-being of people and communities considering the following:

- (1) Safeguarding the life-supporting capacity of natural resources and ecosystems.
- (2) Ensuring the maintenance of the life-supporting capacity and quality of natural resources and ecosystems to meet the reasonably foreseeable needs of future generations.

- (3) Avoiding the creation of adverse effects and, where adverse effects cannot be avoided, mitigates and remedies adverse effects.

Source: <http://goo.gl/yuTChd>

Tabulation of Bids/Offers

As defined by the National Procurement Authority (NPA):

The recording of bids/ offers in tabular form to facilitate evaluation.

Source: <http://goo.gl/PtjQPF>

Tailings Exploitation

As defined by the Minerals Law:

Any activity by means of which an individual or a legal entity extracts mineral substances from an artificial deposit of scrap material and processes them in order to sell them.

Source: <http://goo.gl/9rJGcK>

Taking

As defined by Islamic Republic of Afghanistan Environment Act:

The hunting, killing, injuring, capturing, collecting, picking, uprooting, digging up, cutting, destruction or removal of any species of fauna or flora.

Source: <http://goo.gl/yuTChd>

Tally

As defined by the National Procurement Authority (NPA):

A listing of items in a shipment by quantity and description.

Source: <http://goo.gl/PtjQPF>

Taqdir-Nama

As defined by the Law of Employment, Promotion and

Retirement of Police and Gendarmes:

An official act of appreciation issued by the authorities empowered by law to reward the official (be he police or other) for his achievements and dedication.

Source: <http://goo.gl/tyGsnb>

Tare Weight

As defined by the National Procurement Authority (NPA):

The weight of a container (and other packaging material), vehicle or wagon in which goods are packed or stowed. The net weight of goods is gross weight less tare. Actual tare is determined when each cask/ bag/ box/ wagon, etc., is weighed; average tare when one is weighed and used as a standard; and estimated tare when a fixed percentage is deduced from the gross weight.

Source: <http://goo.gl/PtjQPF>

Taxable income

As defined by Afghanistan Income Tax Law:

The total of all receipts of an individual, corporation, limited liability company, or other legal persons less those exemptions and deductions authorized under Afghanistan Income Tax Law.

Source: <http://goo.gl/AGtuLK>

Tazkera

As defined by the Law of Employment, Promotion and Retirement of Police and Gendarmes:

A nationality cards.

Source: <http://goo.gl/tyGsnb>

Technical Specification

As defined by the National Procurement Authority (NPA):

Part of purchase specifications on design, quality and/ or performance excluding those on packaging, labelling marking, etc.

Source: <http://goo.gl/PtjQPF>

Teenager

As defined by Article 71 of Penal Code:

Refers to a person who has completed thirteen years of age and has not completed eighteen years of age.

Source: <http://goo.gl/X0Ywpj>

Telecommunication Development Fund

As defined by Law for Regulating Telecommunication Services:

The fund paid by Telecommunications Service Providers and Operators for the provision of universal access to telecommunications services in rural areas and areas not covered by telecommunication services.

Source: <http://goo.gl/T1vM59>

Telecommunication Services

As defined by Afghanistan Income Tax Law:

Means the provision of any type of telephone, internet, and fax service.

Source: <http://goo.gl/AGtuLK>

As defined by Law for Regulating Telecommunication Services:

Provision of services for remuneration which consists partially or mainly of the conveyance on telecommunications networks.

Source: <http://goo.gl/T1vM59>

Telecommunications As defined by Law for Regulating Telecommunication Services:

The conveyance of intelligence or message of any kind by the use of electrical, magnetic, electro-magnetic, or optical energy or any combination thereof.

Source: <http://goo.gl/T1vM59>

Telecommunications Network As defined by Law for Regulating Telecommunication Services:

The transmission system, switching or routing equipment and other equipment which permit the conveyance of telecommunications by wire, by cable, by radio, by optical energy or by magnetic waves, including satellite networks, fixed (circuit- and packet-switched, and Internet) networks, mobile terrestrial networks, and aerial cable systems.

Source: <http://goo.gl/T1vM59>

Tenderer As defined by the National Procurement Authority (NPA):

A legal entity approached by the procuring entity to submit a bid/ offer for a specific project.

Source: <http://goo.gl/PtjQPF>

Terminal As defined by Law for Regulating Telecommunication Services:

A wired or wireless telecommunication equipment for emission or terminal receipt of telecommunication signals, which is used to transfer, process, or receive information, excluding equipment intended to provide access to radio or

cable television broadcasts, unless such equipment is also used for access to telecommunications services.

Source: <http://goo.gl/T1vM59>

Terms of Contract

As defined by the National Procurement Authority (NPA):

Stipulations, explicit or implicit, in a contract setting out the obligations and the rights of the contractual parties, as well as other conditions of contract.

Source: <http://goo.gl/PtjQPF>

Terms of Payment

As defined by the National Procurement Authority (NPA):

Conditions for payment for goods or services received, as agreed between procuring entity and supplier, such as: Cash against Documents (CAD); Cash on Delivery (COD); Letter of Credit, etc.

Source: <http://goo.gl/PtjQPF>

Terms of Reference (TORs)

As defined by the National Procurement Authority (NPA):

Scope of work for a service contract equivalent to the specification of goods in a contract for the purchase of goods.

Source: <http://goo.gl/PtjQPF>

Testing

As defined by the National Procurement Authority (NPA):

A phase of inspection involving the determination, by technical means, of the physical, chemical and/ or other properties of items, or compounds thereof, requiring laboratory or other similar tests.

Source: <http://goo.gl/PtjQPF>

The Council of Representatives

As defined by the Labor Code of the Democratic Republic of Afghanistan:

The leadership organ elected by members of the traders' guilds (trade unions).

Source: <http://goo.gl/w5zAeR>

The House of Elders

Also known as Meshrano Jirga, the House of Elders is defined in the Constitution as:

The House of Elders is one of the two houses of the National Assembly, consisted of both elected members and members appointed by the President of the Islamic Republic of Afghanistan.

Time of Acceptance of the Declaration

As defined by Customs Law:

The time when the customs declaration presented to customs is accepted by the relevant customs office.

Source: <http://goo.gl/DLKZjK>

Time-Based Distribution of Profits

As defined by Article 1975 of Civil Law:

Time-based division of profits is that by which co-owners agree that each of them periodically uses profits of all of common property for a period proportionate to his share.

See also: time-based distribution of profits, distribution of profits

Source: <https://goo.gl/ZWdfP4>

Token Bid

As defined by the National Procurement Authority (NPA):

A perfunctory bid/ offer submitted by a bidder with no serious intent of being awarded with the contract; often submitted

when the bidder wishes only to continue to be kept on the procuring entity's eligibility list, or as a part of a collusive deal with other bidders.

Source: <http://goo.gl/PtjQPF>

Tolerance

As defined by the National Procurement Authority (NPA):

The specified permissible variation of the specified value of quantity according to needs.

Source: <http://goo.gl/PtjQPF>

Total Exclusion

As defined by Article 2024 of Civil Law:

Total exclusion that totally deprives from the inheritance.

See also: partial exclusion, exclusion from inheritance

Source: <https://goo.gl/ZWDfP4>

Touring Areas

As defined by Tourism Law:

Areas that are determined as touring areas by tourism administration or other relevant government agency and areas that have natural beauties, cultural artists, and heritages, touring establishments, national and international exhibitions, national parks, and other places.

Source: <http://goo.gl/kT9BE0>

Tourist

As defined by Tourism Law:

A person who visits a country rather than his residential homeland if he does not perform a job which he is paid regularly. This visit also used for the purpose of entertainment, relaxation, holidays, treatment, research, sporting, trading, and

visiting relatives and also includes panel visits and meetings and includes 24 hours of staying.

Source: <http://goo.gl/kT9BE0>

Trade Discount

As defined by the National Procurement Authority (NPA):

A percentage deduction from an established price for goods (percentage often varying in accordance with volume of transaction), made by the supplier to others in the distribution chain (stockists, wholesalers, retailers, etc.).

Source: <http://goo.gl/PtjQPF>

Trademark

As defined by the National Procurement Authority (NPA):

Any sign, symbol, mark, word, or arrangement of words in the form of a label used by a manufacturer or supplier as identification or symbol of his particular goods, which no other person can legally use without his consent.

Source: <http://goo.gl/PtjQPF>

Trader

As defined by Article 8 of Commercial Code:

Any person who has chosen and opened a center for his commercial transactions and advertised for the public through circular letters and the press is considered a trader even if his usual profession is commerce.

See also: small trader

Source: <https://goo.gl/A9f0U9>

Training Contract

As defined by the Labor Code of the Democratic Republic of Afghanistan:

An agreement between a trainee or his legal representative (guardian) and the office, on the basis of which the latter

teaches the trainee the theoretical, practical, and professional skills provided for in the contract. In addition, the trainee performs the work specified in the training contract in return for the specified wage.

Source: <http://goo.gl/w5zAeR>

Transferee

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A person to whom a transferor assigns a securing agreement or an account.

Source: <http://goo.gl/Jh3FS7>

Transferor

As defined by the Law for Secured Transaction on Movable Property in Banking Transactions:

A person who assigns money that others owed him under a securing agreement or an account to a transferee.

Source: <http://goo.gl/Jh3FS7>

Transferor by Delivery

As defined by Negotiable Instrument Law:

The person who negotiates a negotiable instrument payable to bearer, by delivery without indorsing.

Source: <http://goo.gl/BqZ7gq>

Transformation

As defined by the Minerals Law:

Any industrial process which changes the form and nature of a processed mineral or prepares finished or semi-finished products for sale.

Source: <http://goo.gl/9rJGcK>

Transformation Entity	<p>As defined by the Minerals Law: Any natural or legal Person carrying out Transformation of minerals.</p>
Transportation Commission Agent	<p>As defined by Article 782 of Commercial Code: A person whose profession is transportation of merchandise goods in his own name and on the account of a principal. See also: commission agent, commission contract Source: https://goo.gl/A9f0U9</p>
Transportation Contract	<p>As defined by Article 782 of Commercial Code: Undertaking by the transporter to transport properties or persons by land, ocean, and air, in exchange for a fee. Source: https://goo.gl/A9f0U9</p>
Traveler Commercial Agents	<p>As defined by Article 95 of Commercial Code: Employees who are authorized to conclude commercial transactions by the trader, through letter or proclamation or circular or other similar documents and are dispatched to other places. Source: https://goo.gl/A9f0U9</p>
Treasury Single Account	<p>As defined by Public Finance and Expenditure Law: The official bank accounts in the Da Afghanistan Bank or any other financial institution designated and controlled by the Ministry of Finance to centralize public money and other receipts held in trust and to manage authorized payments. Source: http://goo.gl/IvtMtn</p>
Tree	<p>As defined by Article 1432(2) of Civil Law: A plant that remains and is stable on the ground for one year</p>

or more.

Source: <https://goo.gl/ZWDFP4>

Trust

As defined by Article 962 of Civil Law:

When a possessor has possessed the property with the intention of being on behalf of owner.

Source: <https://goo.gl/ZWDFP4>

Turnkey Contract

As defined by the National Procurement Authority (NPA):

A contract for plant fabrication, its installation and/ or commissioning and/ or the associated civil construction.

Source: <http://goo.gl/PtjQPF>

Turnover

As defined by the National Procurement Authority (NPA):

In supply management, is the quantity and/ or value of stock issued in a given period, usually one year.

Source: <http://goo.gl/PtjQPF>

Two-Envelope System

As defined by the National Procurement Authority (NPA):

The two-envelope system is a tendering option for the selection of the most advantageous bidder. The bidders are ordered to submit their bids/ offers in two separate envelopes, both of them sealed and clearly marked. The first envelope contains the technical proposal, the second one the financial proposal.

Source: <http://goo.gl/PtjQPF>

Two-Stage Tendering

As defined by the National Procurement Authority (NPA):

The variant of tendering proceedings in which, in accordance

with the public procurement Law, the procuring entity holds consultations with bidders in the first stage on the basis of preliminary bidding documents with a view to considering various possible technical and contractual solutions to its procurement need; thereafter, in the second stage, a tendering proceeding is held on the basis of revised bidding documents.

Source: <http://goo.gl/PtjQPF>

As defined by The Rules of Procedure for Public Procurement:

The variant of tendering proceedings in which, in accordance with the provisions of Articles 39 of the Minerals Law, the procuring entity holds consultations with bidders in the first stage on the basis of preliminary bidding documents with a view to considering various possible technical and contractual solutions to its procurement need; thereafter, in the second stage, a tendering proceeding is held on the basis of revised bidding documents.

Source: <http://goo.gl/7Xsvyk>

Ultimate Parent Company

As defined by the Banking Law:

The enterprise in a group that is not a subsidiary of any other enterprise. Where there is any doubt as to which enterprise in a group is the ultimate parent company, Da Afghanistan Bank shall make this determination.

Source: <http://goo.gl/6uuIUg>

Unauthorized Interference

As defined by Law for Regulating Telecommunication Services:

radio transmission which endangers the functioning of a radio service, sailing, safety services or public telecommunication services, or which seriously changes, or repeatedly interrupts a

radio service or frequency emitting device operating in accordance with the Law for Regulating Telecommunication Services.

Source: <http://goo.gl/T1vM59>

Unauthorized Person

As defined by article 638 of Civil Law:

A person who takes an action on behalf of another person without having representation or agency.

Source: <https://goo.gl/ZWDfP4>

Undercapitalization

As defined by the Banking Law:

- (1) Undercapitalization: Failure to meet any required minimum capital level, in any category, pursuant to this Law or Da Afghanistan Bank regulations.
- (2) Significant Undercapitalization: Having a capital level, in any category, of less than two-thirds of the level required by this Law or Da Afghanistan Bank regulation.
- (3) Critical Undercapitalization: Having a capital level, in any category, of less than one third of the level required by this Law or Da Afghanistan Bank regulations.

Source: <http://goo.gl/6uuIUg>

Undercover Operations

As defined by Counter Narcotics Drug Law:

Operations carried out in secret by the police in which the officers' identities are concealed from third parties by the use of an alias and false identity so as to enable the infiltration of existing criminal groups in order to arrest

suspected criminals.

Source: <http://goo.gl/Jd1J6Z>

Undividable Property As defined by Law on Debt Collection:

It is the property, which its quality could be, change when divided.

Source: <http://goo.gl/yx02bU>

Unequal Partnership As defined by Article 1219 of Civil Law:

Unequal partnership is that in which partners agree in such a way that they would be unequal with respect to their actions, capital, profits, and losses.

See also: partnership, equal partnership

Source: <https://goo.gl/ZWdfP4>

Unfavorable Conservation Status As defined by Islamic Republic of Afghanistan Environment Act:

Applicable if any of the conditions set forth in the definition of “favorable conservation status” are not met.

Source: <http://goo.gl/yuTChd>

Unintentional Crime As defined by Article 36 of Penal Code:

Crime is considered unintentional when the effect of crime is brought about by its doer by mistake, regardless of whether the mistake is due to neglect, credulity, carelessness or due to non-observation of laws, regulations, and orders.

See also: intentional crime

Source: <http://goo.gl/X0Ywpj>

Unit Load

As defined by the National Procurement Authority (NPA):

The optimum quantity of any item or commodity which may be unitized for storage, handling and transportation on a pallet or container of a given type and size.

Source: <http://goo.gl/PtjQPF>

Unit of Measurement

As defined by Law of Land Survey, Verification and Registration:

The unit for measuring land shall be the Jereeb which is equivalent to 2000 square meters or to the fifth of a hectare.

Any land measured with the Jereeb equaling 1936 square meters shall be converted to Jereeb's equivalent of 2000 square meters, with a multiplier of 0.968

Source: <http://goo.gl/6s9Nsp>

Unitization

As defined by the National Procurement Authority (NPA):

The process by which optimum unit loads are planned and analyzed.

Source: <http://goo.gl/PtjQPF>

Unjust Payment

As defined by article 800 of Civil Law:

Payment to another person, on the assumption that its payment is obligatory, and it is proved afterwards that it was not obligatory.

Source: <https://goo.gl/ZWDFP4>

Unlawful Interest

As defined by Article 478 of Penal Code:

Unlawful interest occurs when a person impermissibly lends or gives interest to another, either openly or secretly.

Source: <http://goo.gl/X0Ywpj>

Unshared Debt

As defined by Article 860 of Civil Law:

In case of difference, debt shall be considered unshared.

Source: <https://goo.gl/ZWDfP4>

Useable Objects

As defined by Article 477 of Civil Law:

Useable objects are those that are not consumed by repetitious utilization.

Source: <https://goo.gl/ZWDfP4>

User

As defined by Law for Regulating Telecommunication Services:

A person who requests, receives, or uses telecommunications services.

Source: <http://goo.gl/T1vM59>

Valid Contract

As defined by article 690 of Civil Law:

A valid contract, with conclusion of which effects such as provisions and rights are caused, is a contract that is legitimate by nature and description and its contractual linguistic form is uttered by capacitated person on an object that is suitable for the contract provision. Also, its descriptions are valid and free of defect, and it does not include a contract vitiating condition.

Source: <https://goo.gl/ZWDfP4>

Value Analysis

As defined by the National Procurement Authority (NPA):

A systematic examination and analysis of the cost of each component or constituent part of a product (including raw materials used, finish, packaging, etc.) which can be eliminated without impairing its capacity to satisfy the

intended need or use.

Source: <http://goo.gl/PtjQPF>

Valued Policy

As defined by the National Procurement Authority (NPA):

An insurance policy which in the event of total loss, pays out the sum insured irrespective of the value of the policy.

Source: <http://goo.gl/PtjQPF>

Variety

As defined by Seed Law:

A cultivar or botanical grouping within a single botanical taxon of the lowest known rank which can be:

- (1) Defined by the expression of the characteristics of a given genotype or combination of genotypes.
- (2) Distinguished from any other plant grouping by the expression of at least one of the said characteristics; and,
- (3) Is considered as a unit, with regard to its suitability to be propagated unchanged.

Source: <http://goo.gl/BG5xjf>

Variety Control

As defined by the National Procurement Authority (NPA):

The selection of the optimum number of sizes, other characteristics, or types of a product, required to meet prevailing needs.

Source: <http://goo.gl/PtjQPF>

Vehicle

As defined by Counter Narcotics Drug Law:

Any mode of transportation used in drug-trafficking.

Source: <http://goo.gl/Jd1J6Z>

**Verification
Committee**

As defined by Law of Land Survey, Verification and Registration:

A committee composed of five civil servants who are assigned in a zone by The Land Reform Administration to determine the validity of the ownership documents, the surface area, quality grade, or tax of land, or to distinguish privately owned lands from state owned lands.

Source: <http://goo.gl/6s9Nsp>

Vertical Equity

A principle that calls for the tax laws to make appropriate distinctions between taxpayers that are situated differently (e.g., taxpayers with different amounts of income should pay different amounts of tax).

Visual Inspection

As defined by the National Procurement Authority (NPA):

A term generally used to indicate inspection performed without the help of measuring and testing instruments or a laboratory.

Source: <http://goo.gl/PtjQPF>

Vitiated Contract

As defined by Article 620 of Civil Law:

A contract that is legitimate in principle and illegitimate in description, in such a way that it is principally valid and there is no defect in its constituting element and subject, unless it is vitiated due to certain external descriptions. Also known as a “corrupt contract.”

Source: <https://goo.gl/ZWDFP4>

Void Contract

As defined by article 613 of Civil Law:

A contract that is illegitimate by nature and description.

Source: <https://goo.gl/ZWDfP4>

Voyage Charter

As defined by the National Procurement Authority (NPA):

A charter-party involving the lease of a ship (with crew) for carriage of a named cargo between specified ports. A variation of this is a consecutive voyage chartering. It involves the performance of the same or different voyages, one after the other, without interruption within one contract of affreightment.

Source: <http://goo.gl/PtjQPF>

Wadiah

As defined by the Banking Law:

A contract in which the depositor deposits cash or other assets with an Islamic bank for safekeeping.

Source: <http://goo.gl/6uuIUg>

Wafa (Troth Sale)

As defined by Article 1136 of Civil Law:

Wafa sale shall mean having the right of taking back the object of sale by seller and that of taking back price by buyer.

Source: <https://goo.gl/ZWDfP4>

**Wage Appendages
[Wage Supplement]**

As defined by the Labor Law:

A payment made on specific occasions to an employee for completion of a specified work in accordance with the relevant legislative documents.

Source: <http://goo.gl/w5zAeR>

Wage Component [Allowance]	<p>As defined by the Labor Law:</p> <p>A payment made regularly to an employee for completion of a specified work in accordance with the relevant legislative documents.</p> <p>Source: http://goo.gl/w5zAeR</p>
Waiting Period (Edat)	<p>As defined by Article 198 of Civil Law:</p> <p>A specific period with expiration of which all effects of marriage shall cease to exist.</p> <p>Source: https://goo.gl/ZWDfP4</p>
Warehouse	<p>As defined by the National Procurement Authority (NPA):</p> <p>A place of storage for merchandise and commodities. In addition to the service of storage, some warehouses particularly in the vicinity of a port area perform the functions of freight forwarding and/ or of distribution agents.</p> <p>Source: http://goo.gl/PtjQPF</p>
Warrant	<p>As defined by Article 739 of Commercial Code:</p> <p>A mortgage document.</p> <p>Source: https://goo.gl/A9f0U9</p>
Warranty	<p>As defined by the National Procurement Authority (NPA):</p> <p>Used in different contexts as an undertaking, either expressed or implied, by one part to a contract to another. (a) In the context of marine insurance an implied warranty is that the vessel is seaworthy and fit for voyage. A breach of warranty is sufficient for the insurer to avoid payment on damage to, or loss of, the ship. (b) In the context of supply contracts, it is an</p>

assurance by the supplier on the workmanship, quality, and serviceability of the item (equipment) for a particular period of use/ time. In case of defect the item may be repaired or completely replaced, free of charge, by the manufacturer. (c) More generally, an express or implied statement of fact amounting to an assurance of something in a contract. If the obligation is not carried out the contract may not be invalidated but damages can generally be claimed.

Source: <http://goo.gl/PtjQPF>

Waste

As defined by Islamic Republic of Afghanistan Environment Act:

Any substance or thing that the holder discards or disposes of or intends or is required to discard or dispose of, irrespective of its value to any person, and any substance or thing discarded in a public place or on vacant land not designated for such purposes.

Source: <http://goo.gl/yuTChd>

Water Resource

As defined by Islamic Republic of Afghanistan Environment Act:

Includes surface water, an aquifer, a river or spring, a natural channel in which water flows regularly or intermittently, and a wetland, lake, or dam into which, or from which, water flows.

Source: <http://goo.gl/yuTChd>

Waybill

As defined by the National Procurement Authority (NPA):

A carrier's document listing goods being carried, showing the point of origin, destination, consignor, consignee, and transportation charges.

Source: <http://goo.gl/PtjQPF>

Weapon

As defined by Counter Narcotics Drug Law:

Any beating or injuring tools and devices, firearms, and explosives capable of inflicting injury or destruction, or that can cause death.

Source: <http://goo.gl/Jd1J6Z>

Wildlife

As defined by Islamic Republic of Afghanistan Environment Act:

Plant, fungi, and animal species occurring within natural ecosystems and habitats with no, or only limited, human influence in their existence and reproduction.

Source: <http://goo.gl/yuTChd>

Will

As defined by Article 2103 of Civil Law:

Will is acting on the inheritance in a way that it become effective after the death of testator.

Source: <https://goo.gl/ZWDfP4>

Without Engagement

As defined by the National Procurement Authority (NPA):

A phrase incorporated by a bidder in his quotation indicative of no commitment to accept a contract at the price quoted; a safeguard against prices rising between the time of giving the bid/ offer and the contract being placed.

Source: <http://goo.gl/PtjQPF>

Wolesi Jirga

As defined by the Islamic Republic of Afghanistan:

Wolesi Jirga, or the Lower House, also known as the House of

the People, is one of the two houses of the National Assembly. Members of the House of the People shall be proportionate to the population of each constituency, not exceeding the maximum of 250 individuals. The House of the People shares some duties with that the House of Elders and also has some special authorities as explained in Articles 90 and 91 of the Constitution.

Source: <http://goo.gl/zPfKvr>

Worker

As defined by the Labor Law:

A person that is employed by an administration on a contractual basis.

Source: <http://goo.gl/w5zAeR>

Works

As defined by Procurement Law:

All work associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or site preparation, excavation, erection, installation of equipment or materials, decoration and finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigations and similar services provided pursuant to the procurement contract, provided that the value of those services does not exceed that of the construction itself.

Source: <http://goo.gl/4JjsGd>

As defined by the National Procurement Authority (NPA):

All work associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works, such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and

finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigations and similar services provided pursuant to the procurement contract, if the value of those services does not exceed that of the construction itself.

Source: <http://goo.gl/PtjQPF>

Youth

As defined by the Labor Code of the Democratic Republic of Afghanistan:

A person who has reached 13 years of age and has not reached 18 years of age.

Source: <http://goo.gl/w5zAeR>

Zakah

As defined by the Universal Islamic Declaration of Human Rights:

The 'purifying' tax on wealth, one of the obligatory five pillars of Islam for Muslims.

Source: <http://goo.gl/4Mlpo1>