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**Islamic Emirate of Afghanistan**  
**supreme court**  
**General Directorate of Secretariat**

**Procedure for the distribution and prevention of forgery in Deeds**

**26 Jun 2022**

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## **Chapter One**

### **General Orders**

#### **Preface**

**based on:**

**Article 1:**

This scheme is organized into 5 chapters and 29 articles based on the 33rd resolution of the Cabinet of the Islamic Emirate of Afghanistan meeting dated 1443/10/16-2022/05/11.

**Objectives:**

**Article 2:**

1. The objectives of this project are:
2. How to divide the Shariah Qabalah and prevent it from being false.
3. Provide a transparent and satisfactory basis for arranging, registering, and issuing computerized deeds of land and other properties.
4. Facilitating the transfer of land and other real estate ownership rights and simplifying and speeding up this process.
5. Official confirmation of land and other real estate ownership using modern technology.

**Article 3**

**Terms:**

**Deed-Qabalah:** It is an official document that is issued by the government of the time by the applicable law to confirm or validate the ownership of immovable property.

**Seller:** Someone who sells something.

**Customer:** One who buys something.

**Sale:** It is the thing that is sold and is considered the main purpose of sale.

**Acceptance (Ejab) and Acceptance (Qabul):** Acceptance-Ejab is the first agreement to sell or buy goods, whether issued by the seller or the buyer. Acceptance-Qabul is the second word that is issued by the seller or buyer in this meeting after acceptance.

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**Witnesses of knowledge and ownership:** These are those who know the seller and the buyer by name and lineage, and testify that the seller owns the goods sold.

Named witnesses play an important role in preventing forgery.

**Shariah Eligibility:** It consists of wisdom and maturity in marriage.

**Inheritance:** The document that proves the number of heirs of the deceased after his death.

**Coordinates:** Determine the size of the lines and angles of the earth and space.

**Barcode:** It is one of the known image forms and information that is on the page and can only be read by the machine.

### **Deeds Creating or arranging**

**Article 4:** If the applicant wants to make a kabbalah, he is obliged to first take the property sale application form from the land administration.

#### **Article 5:**

In the application form for the sale of the property, in this application, the complete information of the seller and the buyer should be included such as the main residence and functional residence, all the specifications and location of the land, building, boundaries, and area, and a copy of the national identity card. The form will specify whether the seller is the original owner and whether the heir or attorney.

#### **Chapter Two:**

### **Proof of valid documents (proof of ownership)**

#### **Article 6:**

The seller should submit all valid documents at once to the land authority for possession of the right of occupancy.

#### **Article 7:**

Since deeds (Qabala) are mostly given to areas under the municipal master plan in urban areas, so if someone wants a deed of land or house in the same area, in addition to registration, information should also be requested from the office of real estate in the

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relevant district. Of course, the information must be requested electronically or the information must be collected by an honest employee.

**Article 8:**

If a person brought land administrative documents to the registration ownership committee as well as the Deed, the registration of the land should be determined through the relevant court in the above form and the documents should be confirmed in the relevant departments of the land administration. If information is needed from the center, the territorial administration should request the information from the center electronically.

**Article 9:**

If someone makes a deed for a house or land that is outside of the master plan and does not have a title deed, and the said area must be refined, then the teams of refinement of the land department will clear that area to separate public and private lands.

**Article 10:**

If a person brings tax tickets in addition to his documents, then the relevant authorities should ask the Revenue department to verify it electronically or get the information through an honest official.

### **Cadastral maps and Documents matching**

**Article 11:**

The Registration Right Ownership Committee applies the cadaster map and the documents that are valid in the field at the time of document implementation.

**Article 12:**

The coordinates of the area are taken by the said committee, which is understood from the location and area of the region, land, or house along with any natural and unnatural variation of the area. The local scale is adjusted to the acre. Land grading is carried out in cooperation with relevant agencies.

**Article 13:**

To determine the amount of the deeds' tax, the price list of each city, each region, each district, and each province, and the price list of land and structures should be arranged

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and approved within two months, and until that time, the agreed procedures should be carried out.

## **Chapter Four:**

### **The process of fulfilling the Sharia aspect of Kabbalah in court**

#### **Article 14:**

After submitting the application form for the sale of ownership and the confirmation documents, the judge of the relevant court will call the seller, the buyer, and the witnesses. The judge will check the Sharia eligibility of the witnesses and will determine that the seller and the buyer have valid Sharia disposals. After the settlement, the judge will hear the words of acceptance from the seller and the buyer. When the sale is completed free of Shariah obstacles and according to Sharia principles, the court clerk will write the following order in the transfer form of the sale between the seller and the buyer.

- 1- Full introduction of the seller and the buyer: (name, father's name, grandfather's name) original and functional residence (province, district, village or district) Shariah eligibility and it will be written that each of the seller and the buyer are valid Shariah possessions.
- 2- The full legal status of the witnesses of the property: (name, father's name, grandfather's name) original and functional residence (province, district, village, and district) will be written, and also the letters of the witness should be like this: I know both the buyer and the customer, who are present in the court, and their ancestry has not changed. If this matter is proven differently, then I am legally bound.
- 3- It should be written that the sale has been made with the consent of the seller and the buyer, and the letters of acceptance should be mentioned.
- 4- The location of the sale (province, district, district, and village), the boundaries (East, West, North, and South), the area, characteristics, and reputation of the neighbors (name, father's name, grandfather's name) should be written.
- 5- The price of the merchandise will be written in numbers and letters and it will be mentioned that the seller has received this price and the customer has received the merchandise.

This is when the house or the land is in the seller's name (it is not a case of attorney or inheritance).

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**Article 15:**

If the seller is an attorney or an heir, then first he will prepare the letter of attorney and the letter of inheritance in the court. After that, he will come to the court, and the court will perform the execution according to the mentioned arrangement and look at the portion of his inheritance. If he is selling the common property of other heirs, he will make a power of attorney on their behalf.

**Article 16:**

When the sale according to the above arrangement is made and the amanuensis writes the whole process, then these forms (property sale application form, right of ownership form, and right of transfer form) should be filled and sent to the electronic part of the deeds' process.

## **Deed's processing**

### **Deed's Writing and Organizing Committee and its duties**

**Article 17:**

The content and form of the deed are arranged in the name of the new owner, the full reputation of the seller and the buyer, the real and actual residence, the Sharia eligibility, and both the seller and the buyer are legally bound by the rules of the Sharia.

**Article 18:**

The Sharia authority or eligibility of the witnesses, the permanent and current residence, and the words of their testimony should be written in deed or Qabala.

**Article 19:**

The words of agreement and acceptance of the seller and the buyer must be written in the Deed-Qabala and that the sale has been made between the seller and the buyer willingly.

**Article 20:**

The location of the property (area's boundaries, region, specifications) and the reputation of the neighbors should be written in the Qabala.

**Article 21:**

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The price of the item will be written in numbers and letters and it will mention that the seller has received the money and the buyer has received the item.

**Article 22:**

A photo of each seller and customer, citizenship ID number, stamp, the citizenship ID number of witnesses, their stamp, and general and special number of the deed must be entered in the New Qabala in a modern way.

**Article 23:**

The tax and municipal service fee will be collected through the tariff and the documents will be sent to the Registration and Issuance Department for registration and issuance of Qabal.

**Article 24:**

The Registration and Issuance Department will print the computerized deed on the new electronic system on a special type of paper containing the unique number and barcode of the sukuk, to prevent forgery. After the registration and issuing committee has stamped it, the judge of the relevant court will stamp and sign it and keep it in the court.

**Article 25:**

A paper copy of the Kabbalah with appendices will be kept in the archive and a computer copy will be kept in the computer archive.

**Article 26:**

The deed issuing department is obliged to send related documents of the deed to the relevant office and a copy to the central and provincial archives at the end of each year.

**Article 27:**

If a person owns a computerized deed and wants to sell a house or land related to this deed, he does not need to take the above steps, only the above-mentioned step of the court must be completed to complete the Shariah aspect, but if the court or the relevant authority have any reason, then something should be done.

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### **Implementation source:**

#### **Article 28:**

The source authority for the implementation of this procedure is the relevant court and the land administration.

### **Enforcement:**

#### **Article twenty-nine:**

This procedure comes into effect from the date of approval by the Cabinet of the Islamic Emirate of Afghanistan.

**Maulvi Saeed al-Rahman (Mozhari)**

**General Director of Geodetic  
and Cadaster of Land Administration  
of the Ministry of Agriculture**

**Muhammad Idris**

**Head of real estate, ministry of finance**

**Hafiz Abdul Karim Zahid**

**Head of the Judicial Department of the Ministry of Justice**

**Engineer Muhammad Yasin Hilal  
Kabul Municipality Representative**

**Mufti Abdul Rasheed Saeed**

**Head of the Secretariat of the Supreme Court**

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## Islamic Emirate of Afghanistan

### Cabinet resolution

**S/No: 39**

1443/11/28- 2022/06/27

The meeting of the Cabinet of the Islamic Emirate of Afghanistan was held under the chairmanship of Prime Minister Alhaji Mulla Muhammad Hassan Akhund on 1443/11/28-2022/06/27, which coincides with the 6th of Cancer 1401. The following decisions were approved in the 39th meeting of the Cabinet:

The first topic of the agenda is the Approval of procedures to prevent forgery and fraud in the distribution of deeds.

execution date	Cabinet decisions	
	The procedure for preventing forgery and forgery is approved. Courts and related bodies are entrusted with the task of distributing the deeds according to this procedure.	<b>1</b>

The second topic of the agenda: The plan for (control and regulation of transport) is approved.

execution date	Cabinet decisions	
	The plan for (Control and regulation of transportation affairs) is approved. The Ministry of Transport and Aviation and other relevant agencies are entrusted with the task of carrying out actions according to this plan.	<b>2</b>

The third topic of the agenda; Regarding the plan for the development of essential medicines by focusing on the country's natural resources.

execution date	Cabinet decisions	
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Three weeks	The Economic Commission is entrusted with the task of researching the production plan of basic medicines by focusing on the country's natural resources. He should identify the matters related to the involved institutions and present them to the cabinet meeting for decision-making.	3
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The fourth topic of the agenda: About the plan to find and arrest criminals who have escaped from prisons.

execution date	Cabinet Decision	
Three weeks	Under the leadership of the Ministry of Interior, the delegation including the representatives of the Supreme Court, the Attorney General, the Directorate General of Intelligence, and the National Information and Statistics Agency is entrusted with the task of finding, pursuing, and arresting the known criminals who had escaped from prisons. In this regard, the mentioned offices should study the proposed plan and present it to the cabinet meeting along with their comments.	4

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Islamic Emirate of Afghanistan  
General Department of Administration  
Department of Press

**From the decisions of the Cabinet of the Islamic Emirate of Afghanistan**

2022/06/27

1402/4/06

The procedure for preventing forgery and forgery is approved. Courts and related bodies are entrusted with the task of distributing the deeds according to this procedure.