

# LARA

## LAND REFORM IN AFGHANISTAN PROJECT

### **BUSINESS AREA ANALYSIS**

**MANATRON, INC. – A THOMSON REUTERS  
BUSINESS**

DRACS (Deeds Registry Archive System)

Supreme Court

February 11, 2013



**THOMSON REUTERS**



## **DATA PAGE**

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### **KEYWORDS**

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## 1 INTRODUCTION

### 1.1 PURPOSE

This document describes an ‘as-is’ preliminary assessment of the Makhzan of the Supreme Court, Kabul carried out by the Thomson Reuters team to determine current business practices in the storage and digitalization of the deeds at court of appeals. Our analysis was based on discussions with Makhzan staff as well as the review of forms, deeds and relevant legislation available. This document is intended for use by TetraTech-ARD, Thomson Reuters Manatron and other partner business analysts under the LARA project.

This document contains information required for GRM Registry Backfile customization by Thomson Reuters Manatron that forms the basis of the land Information System (LIS) to be installed in the Supreme Court.

### 1.2 SCOPE

The document covers registration principles, staffing, existing IT systems, workflows and transactions required for the configuration of the LIS; sample documents that the system should generate are also included as well as numbering systems processes. The document does not cover recommendations on changes to existing business processes nor is it a report on issues and problems.

### 1.3 DEFINITIONS, ACRONYMS, AND ABBREVIATIONS

This section provides definitions for all the terms used in this document:

AfLIS	Afghan Land Information System
AGCHO	Afghan Geodesy & Cartography Head Office
AICRS	Afghan Integrated Cadastre & Registry System
AIMS	Afghanistan Information Management Systems
ALCO	Afghan Land Consulting Organization
ARTS	Afghanistan Reliable Technology Services
BAA	Business Area Analysis
BPR	Business Process Reengineering
CDMS	Cadastral Data Management System
COP	Chief of Party
CORS	Continually Operating Reference Station
COTR	Contracting Officer’s Technical Representative
GDMA	General Directorate of Municipality Affairs
GIROA	Government of the Islamic Republic of Afghanistan



GIS	Geographical Information System
GPS	Global Positioning System
HR	Human Resources
ICT	Information and Communication Technology
IDLG	Independent Directorate for Local Government
ISAF	International Security Assistance Force
IT	Information Technology
LADM	Land Administration Domain Model
LARA	Land Reform in Afghanistan
LIS	Land Information System
LIS/PIMS	Land Information System/Parcel Information Management System
MC	(ILS) MultiCadastre – GRM Cadastre
MOU	Memorandum of Understanding
MUDA	Ministry of Urban Development Affairs
NGA	National Geospatial Intelligence Agency
PIMSS	Provincial Infrastructure Management Support System
RAMP-UP	Regional Afghan Municipalities Program for Urban Populations
SRS	Systems Requirements Specification
SUIS	Settlement Upgrading Information System
USAID	United States Agency for International Development
UNDP	United Nations Development Programme
VPN	Virtual Private Network

## 1.4 REFERENCES

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## 2 BACKGROUND INFORMATION

### 2.1 COUNTRY INFORMATION

Information contained here is used to configure working and non-working days in GRM Registry Backfile:

Question	Answer
Country Name	Islamic Republic of Afghanistan
Official Language	Afghan Persian or Dari & Pashto <sup>1</sup>
Currency	Afghan Afghani (AFN) 1 USD = 48.32 AFN (24th January 2012); Code: AFN (ISO 4217)
Estimated Population, Total: Urban: Rural:	30,419,928 (July 2012 est.) Urban population 23% of total (2010)  Nearly 72 percent of the urban population (or 4.6 million) is concentrated in six cities: Kabul, Kandahar, Herat, Mazar-I-Sharif, Jalalabad and Kunduz. <sup>2</sup>
Number of Administrative Provinces (1st Level – Provinces)	34 (as of 2012)
Number of Administrative Provincial Districts (2nd Level – Provincial Districts)	Provinces are divided into about 398 smaller provincial districts, each of which normally covers a city or a number of villages
Number of Cities	34
Number of Towns	153
Total Land Area, sq. km.	652,230 sq km
Total Water Area, sq. km	0 sq km

<sup>1</sup> Afghan Persian or Dari (official) 50%, Pashto (official) 35%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%, much bilingualism

<sup>2</sup> Draft Urban Development & Management Investment Requirement for Proposed Projects: 1384 – 1387 p. 9



Question	Answer
List of Official Holidays	February 4 <sup>th</sup> (variable) – Mawlid March 21 <sup>st</sup> - New Year's Day April 28 <sup>th</sup> - Mujahedeen Victory Day May 1 <sup>st</sup> – May Day August 19 <sup>th</sup> - Independence Day August 20 <sup>th</sup> -22 <sup>nd</sup> (variable) – Eid ul-Fitr October 25 <sup>th</sup> (variable) – Day of Arafa October 26 <sup>th</sup> – 29 <sup>th</sup> - Eid al-Adha





### 3 INSTITUTIONAL INFORMATION

#### 3.1 GENERAL OFFICE INFORMATION

This section provides information about the structure and organization of the Supreme Court:

Question	Answer
Official office working hours	Saturday to Wednesday 8am – 4pm
Which agency does the registry report to (e.g. Ministry of Justice, independent statutory agency)?	Supreme Court of Afghanistan
Total number of registration office branches in the country	34
Can there be more than one registry office for the same region?	No
Is the registry unified across types of property (e.g. rural vs. urban, industrial vs. agricultural). In other words, is information are stored in one registry/book/system or in separate registries?	There is no single registry. Definition of “registration” in the laws is not clear, many books, logs, ledgers etc. are called “registration” in the legislation. There are definitions in the Land Management Law of “principal book for registration of private lands”, “principal book for registration of government lands”, land “registered with a judicial court”, “tax books”, “principal books of properties”, and “principal land registration book”. Other laws refer to “the ledgers of property”, “log books for property and taxation”, “registration of results in the log book”, “Central Department of Deeds and Document Registration of Supreme Court” and there may be others referred to in other laws.
<b>Is the register of property rights itself is computerized in any of the following areas</b>	
Business systems (transaction management, revenue collection, management information, etc.)?	No
Maintenance of indices (owner, parcel, etc.) and cross-indices for the various types of land records?	Partially



Question	Answer
Imaging/Document Scanning?	Partially
The registry uses unique reference numbers for each property recorded	Yes
The registry is privately owned	No
The registry is part of the same institution as the cadastre (maps/surveys)	No
The registry is part of the same institution as the fiscal cadastre (tax authority)	No



## 3.2 HISTORY OF MAKZHAN

Responsibility for the management of Land in Afghanistan is divided between two entities: the Ministry of Agriculture (ARAZI) and the municipal authorities. ARAZI is the institution in charge of assigning, transferring and leasing state owned land. Once land is assigned to a municipality that portion of land is no longer the responsibility of ARAZI and the municipal authorities manage the land<sup>3</sup>. ARAZI handles state and private land in rural areas and municipalities are in charge of the administration and planning for land in urban areas. Judicial power plays a role in land administration by issuing and validating title documents and maintaining land ownership records. Land Registries (Makhzan) are the offices for registering and maintaining records for land ownership as well other governmental records.

The scope of work for the LARA project includes supplying the tools to help in land administration (GRM Registry) and support the digitalization of the archive (Makhzan) in the district court (LRS Backfile).

A multiplicity of ownership documents exist in Afghanistan in part because of a plural legal system that incorporates civil, religious and customary laws and also because of the many attempts to reform land management over various regimes. When the Communist Party (PDPA) took power in 1978 various restrictions were put in effect regarding the size of land that can be held, with the excess land expropriated without compensation. Registration of property was mandatory. Later, land ownership existed in the form of public property, which is shared by all, through cooperative and private ownership<sup>4</sup>.

Determination of property ownership of the property was a key issue in each attempt to conduct land reform, and attempts to develop a national land registry had been pursued over several decades. One of the first and largest attempts to perform the inventory and national land registry was the Land Survey and Statistics Law of 1965, which created the Department for Cadastral Survey and tasked it with conducting a nationwide land survey:

*“Functions and goals of the cadastral survey department:*

- a) *To execute an appropriate cadastral survey for Afghanistan, i.e., to make the necessary investigations as to identification of the land and the identity of the owner and the rights he is entitled to.”<sup>5</sup>*

Additionally, as part of the reform, a Committee of Assessors was created to decide if a land parcel can be declared “in excess” of private ownership and redistribute it.

After the Communist Party came to power, they attempted to register all land in the country and redistribute it; the land decree of 1980 forced everyone to register the land under penalty of confiscation by the State.

At the end of the Soviet period, each subsequent regime from Najibullah to the Taliban called for a return to the previous owners of the land expropriated during the communist period. The new regimes (Najibullah, Rabani and Taliban) each made corresponding changes to the Land Tenure Policies and law, but most were not implemented. (Reydon)

The Land Law introduced in 2000 aimed to restore grabbed or confiscated land to its original owners and reorganize land management. It attempted to resolve the problems created by previous land reforms. For this purpose, a settlement commission was created with duties that included “restoration of previously

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<sup>3</sup> (Norwegian Refugee Council, 2005)

<sup>4</sup> (Norwegian Refugee Council, 2005)

<sup>5</sup> Land Survey and Statistics Law, 1965



distributed lands (after 7 Saur, H.S. 1357) to the owner, to the legal representative or to the legal inheritors of the deceased”<sup>6</sup>

Three decrees were issued in order to assist in the restoration of land and property: the decree on Dignified Return of Refugees, and two decrees related to the creation of Special Court. The guidelines for restitution are mainly contained in the Law on Land 2000, which is based on the Afghan Civil Code.

The Law on Managing Land Affairs of 2008 also describes guidelines for the “restoration of extracted lands to the land owners.”<sup>7</sup> According to this law, “lands being exacted (confiscated) from their owners or their inheritors without compensation on the basis of decrees and legislative documents of the then communist regime after 7 Saur, (S.H. 1357) on different grounds contrary to the Islamic Shari’a, shall be subject to the following actions:

1. Where the land has not been distributed and has remained in its former state shall be restored to its real owner or his legal inheritors.
2. If the land has been distributed to persons in accordance with the then legislative documents, the owner or his inheritors, with mutual agreement of the parties, can collect the price of the distributed land on the current rate from the afore-mentioned persons or their inheritors.  
If there is disagreement between the parties, the land shall again be restored to the owner or his legal inheritors.
3. Where the land exacted from its owner, whether living or deceased, has been distributed to the state department, institutions and agriculture farms and the establishments and constructions have been built on the land, the organization using the land shall pay the land price to its original owner or his legal heirs on the current rate. While determining the price of land, the original state of land without constructions and establishments shall be considered.”<sup>8</sup>

Proof of land ownership is recognized by a title deed; article 5 of the Law on Managing Land Affairs defines various types of deeds that can be recognized as proof of ownership and needs to be exchanged for a Title Deed in the courts. Documents include:<sup>9</sup>

- Deed issued by a court in regard of purchase, ownership, gift, inheritance, division, land exchange, letter of quittance, letter of correction.
- State decree, government decree (prime ministry’s) in regard to purchase land from state’s landed properties, subject to conditions;
- Tax payment document, subject to conditions;
- Water right document, subject to conditions;
- Customary deed, where the customary deed has been prepared before the 15<sup>th</sup> of *Asad* (1354)<sup>10</sup>, and the buyer has filed the declaration form before the year 1357<sup>11</sup> and submitted to the relevant office;
- A formal title deed registered in the book of properties (*Amlak*) and tax; and
- Land ownership document.

The Deeds issued by a court, Formal title Deeds, Land Ownership documents are stored in the books (*Kundas*) at the *Makhzan* (provincial court registries).

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<sup>6</sup> Law on Land Management 2000, Article 16

<sup>7</sup> (Ministry of Justice, 2008), Chapter 4

<sup>8</sup> (Ministry of Justice, 2008), Chapter 4, Article 29

<sup>9</sup> (Ministry of Justice, 2008)

<sup>10</sup> June 24, 1975

<sup>11</sup> 1978



Court Registries maintain 28 types of Legal Documents (*Wasayeq*) including title deeds of immovable property (*Qabala Qatai*). Other documents include marriage licenses, divorce decrees, letters of guarantee and bankruptcy. An assessment on the Types/Number of deeds in 12 Makhzan conducted by Harakat as part of the LRMP-II project identified the following land related documents for digitalization and indexing in the makhzan:

**Table 1 - Land Related deeds to be digitalized**

Deed	English Translation
Qabala Qatai	Definitive Deed, Irrevocable Title Deed
Qabala Jaizi	Revocable Title Deed
Qabala Masooli	A useful Definition could not be found.
Qabala Dawlati	A useful Definition could not be found.
Ibra Khat	Waiver
Taraka Khat	Deed of Distribution per stirpes
Taqsim Khat	Deed of Distribution per capita
Tamlik Khat	Deed of Gift

The deeds are stored in books (*Kunda*) grouped by type of deed. Each *Kunda* has 100 deeds and a *Kunda* number.

The Central Department of Deeds and Document Registration of the Supreme Court is located in Kabul and each provincial Directorate is required to send copies of all of its land related documents annually to this central *makhzan*.



### 3.3 DIRECTORATE OF DOCUMENTS AND DEEDS REGISTRATION (DDDR)

In the structure of every Court of Appeals, there is established a Directorate of Documents and Deeds Registration (DDDR)

The Directorates of Documents and Deeds Registration keep the land documents and other records in *makhzans*. Each Directorate of Documents and Deeds Registration is responsible for the issuance of land title documents in its respective region. Kabul itself has four zones, as has been pointed out, and hence four Provincial Directorates of Documents and Deeds Registration.

To transfer land ownership and to enter into other types of land and real estate transactions, after agreement between the parties, which for transfer of title might be a seller and a buyer, but could be an heir attempting to register title, the interested parties must apply to the Provincial Directorate of Documents and Deeds Registration by submitting a so-called Circular Form to obtain a title deed. The Circular Form is dated, requires information identifying the parties, specifies the size of the parcel, and contains information regarding the parcels adjoining on the east, west, north and south. The Circular Form states the number and date of the registered deed of the seller<sup>12</sup>, and a statement that it is being sold to the buyer (identifying the buyer) and for how much. The Circular Form is signed by the seller and concludes with a statement “This form is referred to the relevant offices to process the Title Deeds (space for title deed number) according to the regulations” followed by the signature of a judge of the court authenticated by the official stamp of the court. The registered deed of the seller is verified in the Directorate of Documents and Deeds Registration makhzan before the Circular Form is signed by the Director/Judge<sup>13</sup>.

On the second page of the Circular Form are spaces for:

- Amlak of MAIL or the Property Department of the Municipality,
- Department of Tax or the Revenue Section of the Municipality,
- Irrigation Department for water rights,
- Acknowledgment of the municipality for having a project (housing project) in the area and information about the expropriation or lack of thereof,
- Comments of the Valuation Committee, and
- Comments of the Cadastral Committee based on having cadastral map of the area.

This suggests that in order for a buyer to obtain a title deed from the court, the Circular Form must wend its way through at least these six government agencies prior to final signing by the court. The Human Resource Directorate certifies the signatures of the “local and provincial (regional) *Mustofiat* staff<sup>14</sup>”. The applicant carries the Circular Form from agency to agency.

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<sup>12</sup> There may not be a registered deed for customary title is commonly accepted. Presumably urfi contracts can be submitted that ultimately refer to a registered title deed. Otherwise, a different procedure may be required to obtain a title deed such as a court proceeding or a certification through the *Tasfia* process called for in the Land Management Law.

<sup>13</sup> Doing Business 2012: Economic Profile Afghanistan, <http://www.doingbusiness.org>, World Bank, p.46.

<sup>14</sup> *Id.*



If this bureaucratic maze were not enough of a disincentive to register land, several payments must also be made throughout this process. The property office of the municipality (*Milkiat-ha*) charges 1% of the value of the property, the Revenues and Collection office of the Mustofiat (Ministry of Finance Provincial Revenue Department) charges 1%, and to the *Makama* 3% for property valued in excess of AFN 1 million, otherwise 2% is paid. In addition, once registered the owner can easily be faced with land tax bills from other years<sup>15</sup>. The owner is required to have the title deed entered in appropriate books for tax purposes within a year<sup>16</sup>.

Once the applicant has carried and submitted the Circular Form to the required governmental agencies, obtained all the required governmental signatures and notations, and paid all of the required fees, the applicant returns to the court with the Circular Form and the payment receipts. A clerk prepares a new title deed in duplicate, and the particulars of the deed are scrutinized by a judge<sup>17</sup>, who if satisfied that all is in order, signs both of the title deeds prepared by the clerk.

### 3.4 THE COURT ARCHIVES (MAKHZAN)

The Directorates of Documents and Deeds Registration, departments of the provincial courts, have long issued land title deeds, which in turn are archived in the associated court *makhzan*. The Central Department of Deeds and Document Registration of the Supreme Court is located in Kabul and each provincial Directorate is required to send copies of all of its land related documents annually to this central *makhzan*. However, due to space and personnel limitations in the Central Department, many of the provincial Directorates do not send copies of their land documents to the Central Department of Deeds and Document Registration as required.

Except for the documents that have been digitized under LTERA, the system is a paper system, but can easily be maintained electronically. It is neither a pure deeds system, nor a title system, but has aspects of both. Title deeds are issued by the court and presumably are not issued unless the person that is seeking registration of ownership can validate the claim of title. This has aspects of an adjudicated title system, i.e. a registration system. On the other hand, the deeds are tracked by reference to earlier deeds and not by particular parcel. This makes the system function somewhat like a deeds system.<sup>18</sup>

As a consequence of various changes, intermissions, and renewals of a functioning government, land records have been lost or destroyed in some cases, in other cases forged. A major problem for the court involves lost documents, in which case the matter is investigated by a court appointed lawyer who must visit the village of the person concerned and verify the claim of ownership of land. Where there are two different competing deeds for the same parcel of land at the court registry, the court will accept the more recent deed as being more accurate, but this is a rare occurrence.

Under LTERA project a computerized system was developed by EMG, built on MS Access. Staff in the *Makhzan* office were not properly trained for entering new records, and have not entered any additional records since April 2010, despite an average of 10-15 new transactions per week occurring (average in each provincial district). The assistance provided to date has also only focused on converting land deeds and not the other types of documents affecting land and real estate. This represents 8-10% of all records that the Appeals Court would like to have in their system.

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>18</sup> LARA Institutional Assessment



The modernization of the records through the deployment of an appropriate electronic information system will improve the efficiency of recordkeeping and searching records and provide a basis for a link between other important land management tools such as the geographic Cadastre system in a future.

### 3.5 MAKHZAN ACCESS

The following access rights are granted to external users.

**Table 2 - Makhzan Access**

Access Right	Comments
Who may access information in the Makhzan? (Please mark all that apply)	
Any legal or natural person (i.e., no restrictions on access)	No
Any person with a legal interest in the property	No
Purchaser of a property	No
Banks and Financial institutions	No
Government agencies	No
Foreign firms/individuals	No
What documents are acceptable?	
Original Documents	Yes
Registry Printouts	Yes
Document Copies	No
Reports	No
Is it possible to conduct a search of information in the registry?	
By owner	Only for deeds that were digitalized previously
By street address	There is no Street Address system or other easy way to identify a parcel
By Deed ID	Yes, is possible to search using the Serial Number or General Number of the deed
By Property ID	There is no property ID



## 4 REGISTRATION PRINCIPLES

Table 4 – Registration Principles

Question	Answer
Is the system of registration based on the Registration of Deeds (a system whereby a register of documents is maintained relating to the transfer of rights in land)?	More so than registration of title, it is a hybrid, Titles are registered in the courts and details of subsequent transactions (and other related titles) noted in the Title. However Deeds are also registered in the books maintaining a chain of documents.
At what point does title become legally valid (e.g. only after delivery or when recorded in the registry)?	When recorded in the registry book
Can provisional (or qualified) titles be issued by the Registrar in cases where there is insufficient evidence to prove ownership rights or boundaries are uncertain?	No
Is an official expedited service available to speed the registration process?	Not officially, but certain persons do get expedited service for undisclosed payments.
Is the registration of new title based on an allocation process?	No
Can private owners obtain formal title independently by means of a cadastral survey conducted during (i) first registration; (ii) subsequent registration?	No. Only through the court and presently the geographic location of the property is not based upon a survey in most cases.
What is the total number of properties officially registered?	Unknown
How many new deeds were issued last year?	Unknown
How many ownership changes were recorded last year?	Unknown
How many disputed properties were recorded last year?	Unknown
How many ownership/property disputes were resolved last year?	Unknown



Question	Answer
What proportion of land is owned by private parties: In the most populous city, % In rural areas, % For the whole country, %	Unknown
Are buildings registered separately from land?	No Buildings are not registered just land

## 4.1 PROPERTY BASICS

The table below presents information on the types of property ownership and property-related transactions that are supported in Afghanistan.

**Table 3 - Property Basic**

Question	Answer
Is private ownership of land permitted by law?	Yes
Is private ownership of buildings permitted by law?	Yes
Is condominium titles <sup>19</sup> supported by law?	There is no a specific law for condominiums, however there is some provisions about common tenancy in the civil code
Is the transfer of property rights only recognized legally on registration?	No, the transfer is recognized even in cases with no deed or conveyance is made but recognized under sharia law
Is the registration of new or transferred land rights mandatory by law?	No
Is the registration of new or transferred building rights mandatory by law?	No
Are there any restrictions preventing registration?	No

<sup>19</sup> Condominium is a single real-estate unit in a multi-unit development in which a person has both separate ownerships of a unit and a common interest along with the development's other owners in the common areas (Garner, 2010).



Question	Answer
Must subdivisions be reported to the registry by law?	No
Must re-zoning be reported to the registry by law?	No
Does the registry record land parcels only?	No
Does the registry record buildings as separate units?	No
Does the registry record apartments as separate units?	Yes
Can one property unit consist of several spatially separated (non-contiguous) land parcels?	No
Can several different properties be registered under one transaction (deed)?	No

## 4.2 RIGHTS BASICS

The table below presents details on the property rights applicable in Afghanistan.

Question	Answer
Does country recognize freehold or leasehold ownership or both?	Both, there is also recognized a “freehold for a term of years”
Can foreigners own property?	No
Is joint ownership supported (several persons own the property but exact ownership shares are not specified)?	Yes
Is shared ownership supported (several persons own the property and exact ownership shares are specified (1/3 and 2/3))?	Yes
Is family ownership supported?	Yes
How is inheritance supported in relation to property rights?	Inheritance is recognized and regulated under the Afghan Civil Code <sup>20</sup>
Can a property be leased to a foreigner?	Yes

<sup>20</sup> (Ministry of Justice, 1977), Book 3, Chapter 2, Part 2



### 4.3 PARTY BASICS

The table below presents details on the parties to registration transactions.

Table 4 - Party Basics

Question	Answer
Describe typical parties to a transaction	Applicant, Grantor, Grantee
Do citizens have a unique ID? (E.g. a National ID card) and what is the format of the ID?	Yes, the National ID card (Taskera) is issued by the Ministry of Interior in a booklet and single page form, the Taskera have a serial number (ID) to identify the person.
Can documents be filed over Internet?	No
Can documents be filed by mail?	No, all documents have to be filed in person
Can only the owner submit applications for registration?	Any legal representative can file an application.
Who may collect documents from the registry?	Only the same person who filed the original, unless a power of attorney exist

### 4.4 DEED DESCRIPTION

Registered Deeds stored in the Makhzan have similar characteristics and format. All deeds have three main parts. The first part describes the parties involved (i.e. buyer, seller, witness), the second part contains the details about the property, that includes description of the localization and neighbours, the last part contains details of the transaction, for example if is a transfer for sale this part will explain the terms and conditions of the sale.

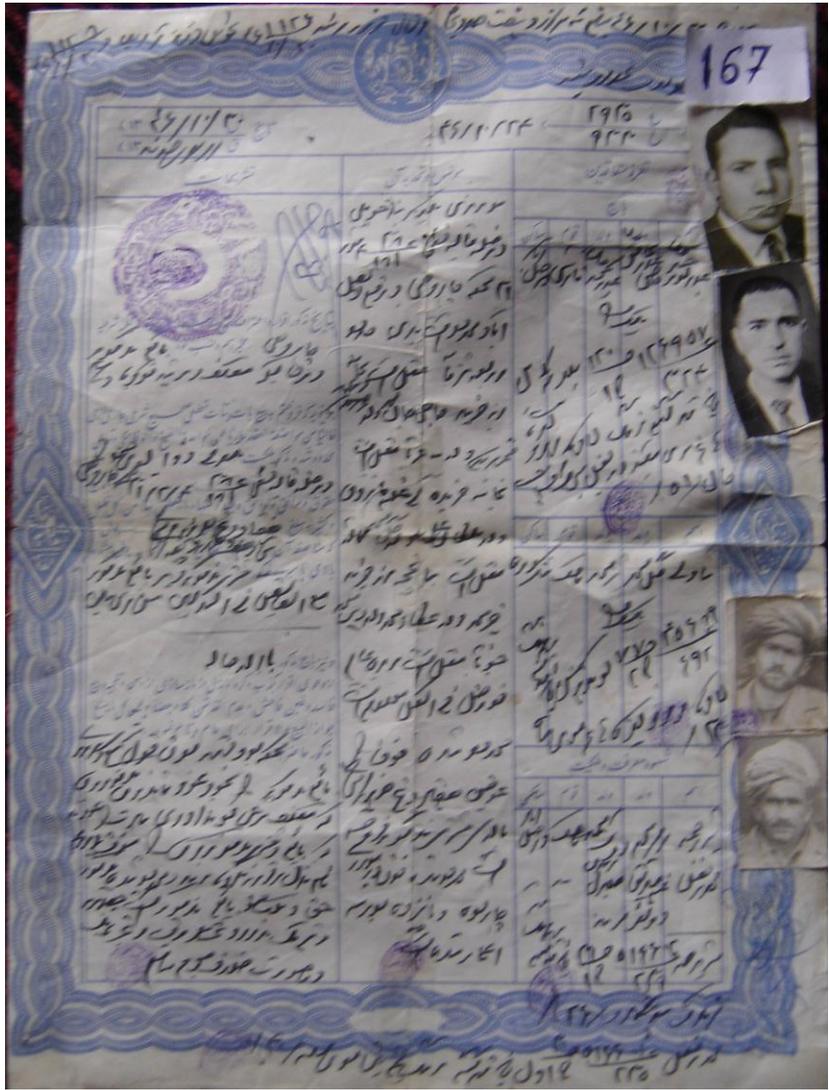


Figure 2 - Title Deed Sample

Two numbers identify the deeds. First identifier is a serial number, which is unique for each type of deed, for example each Qabala Jaizi (Revocable Title Deed) has a unique number (serial Number) but is not unique among all the other types of deeds. Second Identifier is called “General Number” this is similar to the Serial Number but the ID is unique across all the deeds, that means that if there is a general number for a Tamlik Khat (Deed of Gift) that number never repeats across all the other deeds, is the way to identify a particular deed.



Table 5 - Deed Description

Date _____		General Number _____				
		Serial Number _____				
Description	Property Location	Information about Parties				
		Buyer				
		Location	Tribe	Grandfather Name	Father Name	Name
		Customer (Seller)				
		Location	Tribe	Grandfather Name	Father Name	Name
		Witness				
		Location	Tribe	Grandfather Name	Father Name	Name



Once registered the deeds are recorded in a ledger, the deed is glued in to the book and additional supporting documents (forms, letters, receipts) are kept together with the deed inside the book (the book is called Konda), once the book is full a new book is started. The completed Kondas are moved to the Makhzan on a yearly basis and keep there for future references.



Figure 3 - A konda in the Kabul Makhzan

### 4.5 TRANSACTION BASICS

This section provides an overview of the archive process in the Makhzan

Question	Answer
Can transactions expire?	No
Can transactions be postponed, and for how long?	As the process is just for Backfile purposes the transactions can be postponed indefinitely (which is not advisable)



Question	Answer
Can transactions be rejected or cancelled?	In the Backfile process a transaction can be rejected or cancelled if there is evidence that the document is forged or if a decision from management on that issue is made.
Can transactions be re-lodged?	Yes
What types of rejections exist?	Primarily a failure to submit required documents or in a suspicion of forgery
What documents are generated for any type of rejection?	A report with the reason for rejections for archiving purposes
Who can submit documents for archiving?	Head of Makhzan or any authorized Makhzan officer
Who may collect documents from the Makhzan?	After the process of digitalization is finished, the documents needs to be returned to the cabinets or other designed location for physical storage.
How is the delivery of documents confirmed?	A procedure of release and receive documents needs to be defined for the process of digitalization

## 4.6 REJECTION REASONS

There are no standard (i.e. formalized) reasons for a rejection<sup>21</sup>. If there is a suspicion that the documents are not original, the information is illegible, or information is missing, the transaction can be rejected. Some reasons include:

- Variation of signature;
- Statutory forms incorrectly completed or missed;
- Forms and /or data not correspond the deed details

In essence, the Makhzan cannot refuse the archive of the deed unless it feels laws have been broken, due procedures have not been followed, or there are missing information and/or documents.

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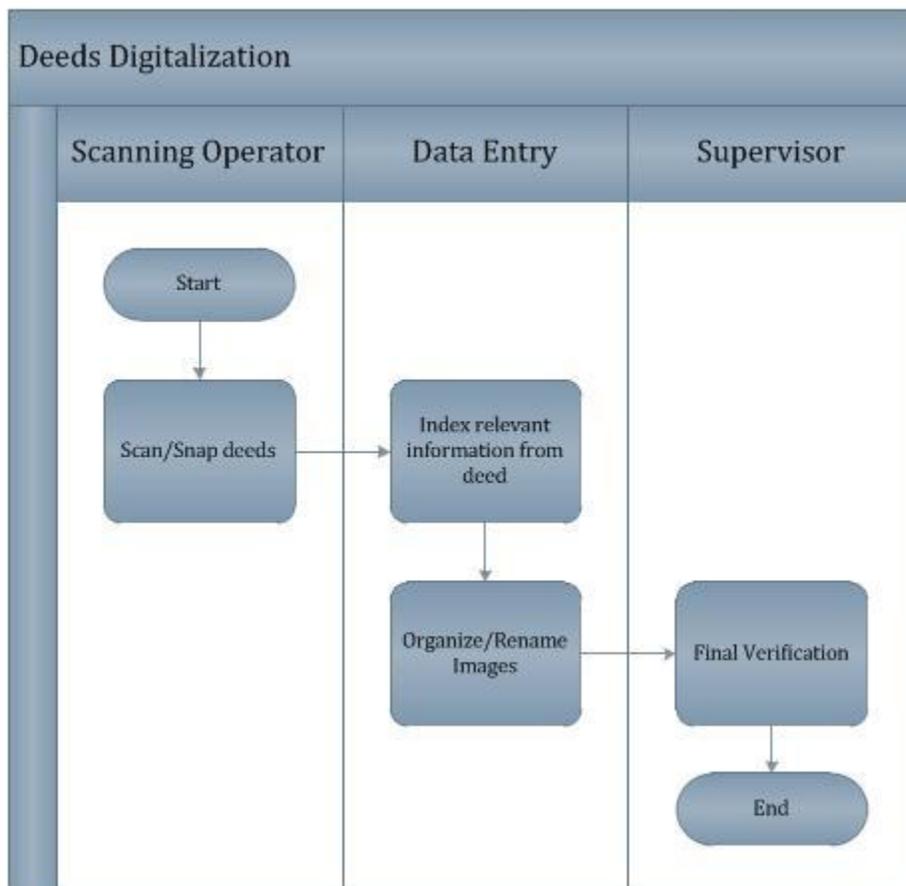
<sup>21</sup> This does not mean there are no reasons rather there is no list, one of the advantages of deploying a computerized registration system will be the ability of users to select predefined rejection reasons from a list and use a preformatted rejection letter.



## 5 CURRENT DIGITALIZATION WORKFLOW

The digitalization of the deeds stored in the Makhzan involves the indexing (capture in a database) of basic details from each deed and all the supporting documents available this is done following a simple workflow as described below:

1. Deeds were organized by type
2. Qabala Qatai documents are separated for digitalizing
3. Selected deeds are snap or scanned, then named using the deed number
4. Some details about the deed are entered into the database
5. Images are reviewed and renamed if necessary
6. Images are linked with the data into the DB
7. A final review is done to ensure accuracy





#	Step	Description	Actor	Incoming Documents	Outgoing Documents	Next Step
	Organize files	Deeds are organized by type and Qabala Qatai deeds selected to digitalization	Supervisor		Deeds for Digitalization	Scan/Snap Deeds
	Scan/Snap Deeds	Deeds are snapped and stored in to the HHDD	Scanning operator	Deeds for Digitalization	Deeds for Digitalization	Index relevant information for deeds
	Index relevant information for deeds	Relevant information from deeds are captured in to the database	Data Entry Operator	Deeds for Digitalization		Organize/Rename Images
	Organize/Rename Images	Images are reviewed and renamed if necessary, then linked with the data previously captured	Data Entry Operator		Processed Deeds	Final Verification
	Final Verification	Supervisor perform quality assurance to ensure the accuracy of the data	Supervisor	Processed Deeds		

Table 6 - Steps for Digitalization of Deeds



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