

## THE LAW OF THE REPUBLIC OF TAJIKISTAN

### On Dehkan (Private) Farm

The present Law defines economic, social and legal bases for organization and activity of dehkan (private) farms and their associations on the territory of the Republic of Tajikistan.

The law guarantees to the citizens the protection by the state of their lawful interests and rights for free cooperation, the right of the creation of dehkan (private) farms within the Republic of Tajikistan, their economic independence and the assistance of their activity.

#### Section I. GENERAL PROVISIONS

##### *Article 1. The legislation on dehkan farm*

The relations, connected with the creation and activity of dehkan farms, are governed by the present Law, Land Code of the Republic of Tajikistan, Laws of the Republic of Tajikistan "On the property in the Republic of Tajikistan" and "On lease in the Republic of Tajikistan", as well as other legislation of the Republic of Tajikistan promulgated in accordance with them.

##### *Article 2. Concept of dehkan farm*

Dehkan farm is an independent managing subject with a right of the legal person, which is carrying out production, processing, and sale of agricultural production on the basis of use of property and land plots, being in its possession.

Dehkan farm represents a form of free business, which is carried out on principles of economic benefit.

Members of dehkan farm are able-bodied members of the family and other citizens, jointly conducting farm.

The head of dehkan farm is one of its members, having a legal capacity. The head of dehkan farm represents its interests in the relations with enterprises, organizations, citizens and state bodies.

*Article 3. Place of dehkan farm in economic system*

Dehkan farm is a part of economic system equal in rights alongside with state, cooperative, individual and other enterprises and organizations. All its economic operations are carried out under the agreement of parties on the basis of the mutually concluded contracts, operations on cash and clearing settlement.

Interference in economic and other activity of dehkan farm on the part of state, public and cooperative bodies is not admitted, with the exception of cases when it violates the legislation.

*Article 4. Constituent and joint activity of dehkan farm*

Dehkan farm can voluntarily unite and join cooperatives societies, associations, unions and other organization on producing, processing and selling production, material and technical supply, water-economy, veterinary, agrochemical, advisory and other kind of service, as well as establish and act as participants of the non-agricultural enterprises, associations, consortia, banks, insurance establishments, including joint ventures, buy and to sell securities. They can be members both branch, and territorial associations, unions, cooperative societies; as well as enter the contractual relations with agricultural, industrial and other enterprises.

Section II. CREATION OF DEHKAN FARM

*Article 5. The right on creation of dehkan farm.*

Each able-bodied citizen of the Republic of Tajikistan has the right of creating a dehkan farm. The citizens living in a given district, having special agricultural knowledge and qualification, having practical experience of working in agriculture, have the preferential right to receive of the land plot, including on a competitive basis.

The disputes on the preferential right to organization of dehkan farm, as well as right to land are considered in economic court.

*Article 6. Conditions of granting the land plot*

The land plot to conduct of dehkan economy is given in life inherited possession on the basis of the application of the citizen by the appropriate

body of the executive authority (Hukumat) in limits of competence, specified in Articles 31 - 36 of Land Code of the Republic of Tajikistan.

The farm allotment at the house is kept for the citizens who have received the land plots, for conduct of dehkan farm and having an apartment house in the village settlement.

The land plots are given mainly from the special land fund of a district to the citizens to conduct a dehkan farm by a body of the executive authority (Hukumat) of district, city.

Dehkan farm can in addition lease the land plot for the industrial purposes.

The land plot is allocated as indivisible unit.

The size of the land plot for conducting of dehkan farm is defined in each specific case by a body of the executive authority (Hukumat) of district, city taking into account the quantity of the members of dehkan farm, specialization, quality of lands, as well as limiting norms, established in the district and farm and other essential conditions. (Decree № 308 from 05.08.94)

The expenses on conduct land-cadastre documentation, land arrangements, agrochemical inspection and ecological certification of soil are carried out at the expense of means of the state budget. The landowner has the right independently order and finance the specified works.

Expenditures on allotting of lands and registration of the state act on the right of life inherited possession of land is carried out at the expense of dehkan farm.

At organization of dehkan farm on the territory, where there are no objects of industrial and social purpose, the state incurs its primary organization work, construction of roads, transmission lines, water-supply, installation of the telephone, land reclamation. The local bodies of the executive authority (Hukumats) are obliged to assist in erection of industrial objects and habitation.

*Article 7. The order of formation of land fund for conduct of dehkan farm*

For organization of dehkan farms bodies of the executive authority (Hukumats) of districts, cities create special land fund at the expense of:

- a) Agricultural lands, left a turnover or transferred in less valuable land;
- b) Lands of a reserve;

- c) Lands of all categories used not on a special-purpose designation;
- d) Lands given to agricultural production and which are not used within one year, as well as given for the non-agricultural purposes and not used during two years;
- e) Lands of forestry enterprises which are not covered with forest and bush and which are suitable for use in agricultural manufacture;
- f) Lands of collective farms and state farms.

The land plots, revealed and included in special fund, for redistribution are withdrawn from collective farms, state farms, subsidiary agricultural economies of the enterprises, organizations and establishments by bodies of the executive authority (Hukumats) of districts, cities. They are distributed in the process of receiving applications from the citizens for the creation of dehkan farms. The consent of land-tenure on withdrawal of these lands is not required. The plots, which do not allow to grow agricultural products, satisfying the sanitary requirements, are not included in land fund for organization of dehkan farms.

*Article 8. Establishment of the right of land tenure of dehkan farm*

The right of dehkan farm on land tenure is attested by the state certificate on the right of life inherited possession of land handed out by body of executive authority (Hukumat) of district, city.

The right of lease of land is attested by the contract of the parties.

*Article 9. The order of granting the land plots from lands of a stock for conduct of dehkan farm*

The citizens who have expressed desire of conduct of dehkan farm, including those who moves from other areas for constant living, submit the application with necessary reasons to a body of the executive authority (Hukumat) of districts, cities on the location of the land plot for reception of the land plot.

The purpose of use of the asking land plot assumed the sizes and its site, total of the members of the family is underlined In the application, and at rent – period of use.

A body of the executive authority (Hukumat) of district takes the decision on granting the land plot, in no more time than two months from the date of submission of the application.

In case of non-observance of terms of taking the decision or the

concealment of the information about presence of special fund of land, guilty persons bear the administrative responsibility. (Decree № 308 from 05.08.94)

The decision of a body of the executive authority (Hukumat) of district, city about a refusal of granting the land plot can be appealed in economic court in the order of claim.

*Article 10. Peculiarities of organization of dehkan farm by members of collective farms, workers of state farms and subsidiary agricultural economies*

The lands of collective farms, state farms, subsidiary agricultural economies are subject to conditional sections between the constant members of collective on quantitatively certain share, which provide to each collective farmer, worker of state farm, worker of subsidiary agricultural economies the personal right on the land plot at work in a collective farm. The size of land share of each member of collective farm is defined under the decision of collective and is attested by the appropriate document. Land share can be transferred by right of succession. It can be taken into account at distribution of a part of the profit.

Each member of collective farm (worker of state farm), including those living on pension, has the right on a share of cost of production assets minus the sums of the outstanding long-term credits. According to the actions the dividends are paid annually. The size of them depends on results of work of collective farm (state farm) and personifies a part of the property of each particular collective farmer (worker) proceeding from its labor participation. The dividends can be paid proceeding from a total cost of the land and share actions.

*Article 11. Registration of dehkan farm.*

Dehkan farm is registered by a body of the executive authority (Hukumat) of district, city after distribution of the state act on the right of life inherited possession of the land plot or signing of the contract on rent of the land plot.

After registration dehkan farm gets the status of the legal person.

The bodies of the executive authority (Hukumat) of district, city are conducting a registration card on every dehkan farm, by a body of the executive authority kishlak, (settlement) (Jamoat) in the book of farms.

Section III. RIGHTS AND DUTIES OF THE CITIZENS,  
CONDUCTING DEHKAN FARMS, ON LANDS USE

*Article 12. The rights of the citizens, conducting dehkan farm*

1. The right is given to the citizen having the land plot for conducting dehkan farm on the rights of life inherited possession:

- a) To manage on land independently;
- b) To hand over the land plot or its part in rent in case of temporary invalidity, appeal on the valid service in lines of the Armed Forces, beginning of study;
- c) To transfer the land plot by right of succession;
- d) In case of withdrawal of the land plot by the state - to receive complete indemnification of expenses on increases of the fertility of land and losses, including the missed benefit.

2. The citizen having the land plot for conduct dehkan farm in life inherited possession and in rent, has the right of the property on the crops, produced, planting of agricultural crops and plantations, received agricultural production and the incomes of its realization.

3. If there are structures, long-term plantations or other objects on he land plot, which cannot be moved to other sites, dehkan farm compensates former land-tenure residual cost, if the parties do not agree about other order. After that the given objects are taken over from dehkan farm.

*Article 13. Duties of the citizens conducting dehkan farm*

The citizen having the land plot for conduct dehkan farm, is obliged:

- a) To use land effectively according to a special-purpose designation, to raise its fertility, to carry out a complex of measures on lands protection, not to admit deterioration of ecological conditions on the territory as a result of the economic activity;
- b) To pay in the land tax and rent payment for land in due time;
- c) To represent to a body of the executive authority (Hukumat) city of plot, the information, established by the legislation, on a condition and use of lands, as well as information, necessary to conduct, the land cadastre in due time;
- d) To compensate in an established order damage for decrease of fertility of land admitted by fault of a landowner;
- e) To observe the contractual obligations and credits-settlement

discipline.

The land plot transferred in rent or life inherited possession for organization dehkan farm is not subject to division.

*Article 14. Payment for land*

Questions connected with payment of the land tax and a rent payments for land are established by the Law of the Republic of Tajikistan "On Payment for Land".

Section IV. ACTIVITY OF DEHKAN FARM .

*Article 15. Industrial activity of dehkan farm*

Dehkan farm based on the right of life inherited possession of the land plot, independently defines directions of the activity, structure and volumes of production, proceeding from own interests. It can be engaged in any kind of the activity, which is not prohibited by the current legislation

Dehkan farm possesses the exclusive right to dispose of production, made by it and to sell it at its own discretion.

*Article 16. Money resources of dehkan farm*

1. The money resources of dehkan farm are formed at the expense of the proceeds from sales of production (works and services), credits of budget assignments, donations and other receipts.

2. Dehkan farm has the right to open in bank the clearing account and other accounts, including currency, for storage of monetary resources and realization of all kinds of payments, credit and cash operations.

3. Charge of means from the clearing account of the dehkan farm are made only from its consent or according to the decision of economic court.

*Article 17. Crediting of dehkan farm*

1. Dehkan farm has the right to use the credit given by state and commercial banks, including cooperative banks, on the basis of the contracts determining conditions of crediting.

2. The amortization of the credit of the dehkan farm is provided with a pledge and other kinds of maintenance of the obligations. In case of delayed amortization of the credit the establishment of bank without appealing in court can use the right on sale of the property, accepted in a pledge, and to direct the proceeds from sale on repayment of debts. As a pledge the value of material goods, the production and other property of the borrower are accepted.

*Article 18. Labor in dehkan farm*

The conduct of dehkan farm is based mainly on personal work of the members of this farm.

The performance of works with contract of hired labour is promulgated by norms of the civil legislation of the Republic of Tajikistan. The payment of labour of the citizens concluding the contracts about use of their work, is included in structure of current expenses and is carried out in the primary order. It does not depend on the results of the work dehkan farm, if there is no special agreement about it.

*Article 19. The account and reporting in dehkan farm*

Dehkan farm carries out the account of results of the work.

The state bodies carry out the control of activity of dehkan farm in the field of land tenure; use of the state credits, payment of the taxes, protection of labour, preventive maintenance of diseases of animals, illnesses and wreckers of plants, observance of the legislation about protection of nature.

*Article 20. State social insurance and social maintenance of the members of dehkan farm*

1. The head and other members of dehkan farm are subject to state social insurance on the equal bases. The insurance payments are paid from all sums of the earnings of the members of dehkan farm. The charges, made by farm connected with the development of dehkan farm are excluded actually from the incomes.

2. The members of dehkan farm have the right to pension according to the legislation of the Republic of Tajikistan. Thus in their common experience all operating time in dehkan farm is set off.



3. The members of dehkan farm are provided with the temporary disablement allowances, other grants and other kinds of service on state social insurance level with the workers, employees and the members of collective farms. Holiday on pregnancy and birth, other holidays and privileges stipulated for the working women are given to the women - members of dehkan farm,

4. The working time in dehkan farm of the members of a farm and citizens who have concluded the contracts on use of their work, is set off in the common and continuous experience of work on the basis of records in a work-record card and documents confirming payment on social insurance.

5. The account of labor activity of the members of dehkan farm and citizens, who have concluded the contracts on use of their work, is conducted by dehkan farm independently.

6. For the members of dehkan farm the earlier nominated pension is kept in the complete volume.

7. Dehkan farm bears the liability for damage, caused by the members to the citizens, who have concluded the contracts on use of their work, for a mutilation or other damages of health connected to execution labour duties by them.

## Section V. ASSOCIATION OF DEHKAN FARMS

### *Article 21. Association of dehkan farms*

Tasks of dehkan association are:

Collective regulation of dehkan mutual relations;

Introduction of the effective forms of cooperation in all spheres of activity;

Formation of the balanced material and technical base and social shared infrastructures;

Collective protection of lawful interests and rights of the participants before other enterprises, organizations and establishments.

### *Article 22. Creation of dehkan associations*

The associations can form by voluntary association of independent dehkan farms or in case of transformation of collective farms and state farms under the decision of their collectives. They work on the basis of the Charter authorized by the participants, have the right of the legal person and are

subject to state registration in a body of the executive authority (Hukumat) of district, city in the order established by the current legislation for the enterprises.

Dehkan farms, which are included in association, have the status of the legal person, by the rights on the land plots, and the action of the present Law is distributed to them.

The associations of dehkan farm on the basis of former collective farms, state farms, other agricultural undertakings can only be formed on condition of the preliminary unit of property, as well as transfer of the land plots to the citizens in the order established by the present Law and Land Code of the Republic of Tajikistan.

The actions conducting to compulsory creation of associations of dehkan farm are prohibited.

#### *Article 23. Management of dehkan association*

The supreme body of management of dehkan association is the general meeting of its participants.

It selects the coordination counsel of the association, which is carrying out the executive functions, and daily coordination of its activity.

#### *Article 24. Manufacturing-economic activity of dehkan association*

1. For realization of its purposes and tasks dehkan association has the right:

To carry out the common actions, coordinated between its participants, in the field of commerce, finance and credit, technical development; to create the associated financial and material resources by voluntary deduction, to centralize separate manufacturing-economic functions;

To promulgate mutual relations between its participants with the help of the settlement of prices, tariffs and quotations.

2. The association of dehkan farms does not answer for obligations of its participants, and the participants do not answer for obligations of association, if other is not stipulated by the Charter, as well as with the exception of cases, when the association acts as a guarantee.

Exit from association and its liquidation are defined by the Charter.

## Section VI. TERMINATIONS OF ACTIVITY OF DEHKAN FARM

### *Article 25. Conditions of the termination of activity of dehkan farm*

The activity of dehkan farm stops in cases:

- a) Non-use of the land plot in the agricultural purposes within one year;
- b) Decision of the members of dehkan farm about the termination of its activity;
- c) If no member of the farm or successor remains wishing to continue activity of the farm;
- d) Use of the land plot by methods resulting to degradation of lands;
- e) Expropriation of the land plot in the order, established by the Law, for state and public needs after allocating an equivalent land plot, construction on a new place by the enterprises, establishments and organizations, for which allocates the land plot withdrawn, inhabited, industrial and other constructions and compensation in complete volume of expenses and the losses, including the missed benefit, at his desire, by the body of the executive authority (Hukumat) of district, city,
- f) In connection with bankruptcy.

### *Article 26. The order of the termination of activity of dehkan farm*

1. The decision on terminating the activity of dehkan farm is adopted by a body of the executive authority (Hukumat) of district, city.

The disputes on the termination of activity of dehkan farm are decided by the economic court.

2. At the termination of the activity of a dehkan farm, its property is used on accounts for payments of labour of the citizens who have concluded the contracts about use of their work, payments to the state budget, returns of loans to banks, accounts with the other creditors. Remaining property and the means, received from his realization, are kept as the common property or are divided.

President of Republic of Tajikistan

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№ 544, March 5, 1992, Dushanbe