

REGULATION
ON ALLOTTING OF THE LAND PLOTS FOR STATE AND
PUBLIC NEEDS

1. GENERAL PROVISIONS

1.1. The present Regulation establishes the order of applying and consideration of the petitions of the undertakings, institutions and organizations, as well as citizens about granting the land plots from all lands, irrespective of, in whose use they are, with the exception of cases stipulated by the legislation of the Republic of Tajikistan.

1.2. Granting the land areas is carried out in the order of allotting. The allotting of the land plots is carried out on the basis of the decision of the Government of the Republic of Tajikistan, or decision of appropriate Hukumat(town councils).

1.3. For allotting of the land areas land tenure regulation is registered the preparation of which is carried out the experts on land tenure regulation of the Chief land administration of the Ministry of Agriculture of the Republic of Tajikistan and its specialized design and survey institutes.

Land tenure business on allotting of the land areas for state and public needs, as a rule, is registered as a whole for object, irrespective of quantity of land-users, from whose lands the land plots are withdrawn. In case the object settles down on the territory of several administrative areas, land tenure regulation businesses on allotting of the land areas are prepared separately on each area.

1.4. At necessity of additional granting of the land plots for existing objects at preparation land tenure regulation business the detailed inspection of earlier allocated land plots is carried out, use of them on a special-purpose designation, as well as condition of works on re-cultivation of lands is checked. The additional presentation of the land plots for elaboration of minerals by an open way and quarry of non-metallic materials is carried out after bringing of earlier allocated land plots in a condition, suitable for economic use and returning to their former land-users.

1.5. According to article 21 of the Land Code of the Republic of Tajikistan withdrawal of especially valuable productive lands (ploughed field, the deposit, perennial fruit of planting and cultural pastures), valuable wood plantings (*archa* (juniper) and nut fruits), as well as lands engaged by especially protected natural, historic and cultural, improving objects, is not allowed. In the special cases, at necessity of lining of linear

structures, construction of the settlements, objects of an industry and other major objects, the withdrawal of these lands is carried out according to the decision of the Government of the Republic of Tajikistan.

1.6. In case of withdrawal of the land areas according to the decision of the Government of the Republic of Tajikistan for state and public needs of especially valuable productive lands, their area should be restored at the expense of the development of new lands. At the absence of lands, suitable for development in economies, the radical improvement of the available agricultural areas with the purpose of increase of fertility of soil are carried out.

2. ORDER OF THE PRELIMINARY COORDINATION OF SITES OF OBJECT OF CONSTRUCTION

2.1. Undertakings, institution and organizations, interested in the allotting of the land plots present the petitions to appropriate Hukumat or the Government of the Republic of Tajikistan according to their competence specified in Articles 31-36 of Land Code of the Republic of Tajikistan.

2.2. In the petition on the coordination of accommodation of object the purpose for which the land area, sizes and place of objects, as well as decision of a higher body or the Government of the republic about construction of object or about working of depths are necessary, is underlined.

To the petition on the coordination of working of place of deposits of minerals the conclusion of bodies of Gosgortekhnadzor (State Mining Technical Inspection) and copy or extract from mining allotting act is applied

2.3. The basis for applying about withdrawal of the land area is the plan of social and economic development or decision of a higher body.

2.4. Hukumat of district (city) in five-day-term considers the petition and creates a commission for a choice of the land are in the following membership:

The vice-president of the Hukumat of district (city) (chairman of a commission);

The chief of a district department of land tenure, lands reform and land resources;

The chief of a department of capital construction of the Hukumat of district (city);

District (urban) architect;
The representatives of body of sanitary and fire supervision;
The representative of regional committee of nature protection;
The representatives of land-users and, of the undertakings, institutions, organizations, interested in lands' withdrawal.

Term of preparation of the offers about a choice of the location of a removed site - not more than 15 days.

2.5. At the coordination of a site of object a commission, being guided by materials internal-farm economic estimation of lands, projects of the internal-farm land tenure regulation, district lay-out, general plans of building of the settlements and resort places, as well as other perspective plans, projects of development of a national economy of the given region, materials special (geo-botanical, hydraulic engineering, agro-economic) inspections does the following:

Studies and checks an opportunity of accommodation of objects on lands of a stock, on unsuitable lands for agricultural manufacture, or on agricultural area of the worse quality. If it is necessary to accommodate an object on lands of wood fund, the choice of a site is carried out mainly at the expense of the areas or lands, uncovered by wood and engaged in bushes and invaluable plantings;

Provides the maximum preservation of valuable productive area and existing organization of territory, termination of erosive processes, of swamping and pickling of lands, elimination of defects in land tenures which at is supposed withdrawal of lands, most expedient use of capital investments spent for improvement of lands, on construction of irrigating (drainage) network, as well as prevention of pollution of environmental reservoirs, air pool.

2.6. By results of work the commission makes the act of a choice of the land area in which it is underlined:

Structure of a commission;

The characteristic of the land areas according to the materials of internal-economic estimation of lands with the indication of land efficiency for last 5 years;

Presence of structures, constructions, irrigating and manifold-drainage network, roads and other objects, long-term plantings and crops, their balance cost on the land areas;

Special-purpose designation of the land area, planned to withdrawal;

The information about losses and expenses, connected with withdrawal of the land area, including the rough size of the losses of land-users and losses of agricultural manufacture;

The information on removal of a fertile layer of land and moving it to less productive or re-cultivating lands with copy from the plan of land tenure;

The remarks and offers of the representatives of the interested undertakings, organizations and institutions;

The protocol of general meeting or assembly of the authorized members of collective farm (agricultural cooperative society) or order of management of state farm (state agricultural undertakings);

Copy from the plan of land tenure with drawing of soliciting land area with the signatures of all members of a commission and interested parties;

The signatures of the chairman and all members of a commission officially register the act of a choice of the land area and it is represented to Hukumat of district (city).

2.7. Hukumat of district (city) in 10-day-term considers the submitted materials of a choice of the land area. At the positive decision of a question Hukumat of district (city) takes a decision on designing object on the chosen land area.

When a question on distribution of the sanction on realization of designed works is the competence of Hukumat of region, the materials with the decision of the Hukumat of district (city) are directed to a regional department of land resources, land tenure regulation and land reform for preparation and entering them to consideration of the Hukumat of district.

If the decision of the given question is the competence of the Government of the Republic of Tajikistan, Hukumat of district land tenure regulation submits a case with the decision of Hukumat of district to Glavupravzem of Ministry of agriculture of the Republic of Tajikistan for preparation of materials and their representation for consideration of the Government of the Republic of Tajikistan.

2.8. The Government of the Republic of Tajikistan on the basis of materials of the preliminary coordination of a choice of the land area, as well as a decision of appropriate Hukumat, gives out the authorization to designing the object on the chosen land area.

2.9. The authorizations of the Government of the Republic of Tajikistan, of appropriate Hukumats on designing are not the basis for final withdrawal of the land area.

2.10. The undertakings, institution, organizations in the projects (general plans) of construction take into account the charges on the indemnification of land users and losses agricultural (wood-economic) manufacture, as well as charges on warehousing, storage of a fertile layer of land and delivering of it on less productive or re-cultivating lands.

3. Order of preparation and registration of materials on withdrawal of the land area

3.1. After the affirmation of the civil-engineering design and allocation of necessary means on its realization the undertaking, organization and institutions, interested in withdrawal of the land area, submit the applications for official registration of land tenure regulation business on allotting of the land area for employment of the given site, by which the following are applied:

Materials of the coordination of a site of object;

The draft copy (of general plan) of construction (accommodation of all objects of construction on soliciting site with the appendix of account of the required areas and indication of sequence of employment of the areas and construction according to years);

Extract from the authorized title list of construction or information of higher organization on financing of construction;

The project by subsequent re-cultivation of lands, if the land area is allocated for working of minerals by an open way or for construction connected with infringement of a soil cover.

3.2. Hukumat of district (city) not later in 5-day period considers the application and authorizes preparation of the land tenure regulation business on allotting of the land area.

3.3. The undertakings, institution and organizations, soliciting the land areas, conclude the contract with Glavuprazem of Ministry of Agriculture on preparation of land tenure regulation business and in 10-day period transfer their means to its special account.

On the basis of materials of the preliminary coordination of a place of arrangement of object and inspection it in a nature, the bodies of State land-tenure regulation service make the project of allotting of the land area, using for this purpose copy of the plan of land tenure and materials specified in item 3.1 of the present Regulation.

3.4. Land tenure regulation materials on allotting of the land area are submitted to:

a) Collective farms - on consideration of general meeting of the members of collective farm (the assembly of the representatives). In the protocol of general meeting or the assembly after taking of the appropriate decision (consent) the following is underlined:

Number of the protocol and date of realization of assembly;

Quantities of the present members of collective farm (representatives) from common number of the members of collective farm (representatives);

Information of to whom, for what purposes and on what period

(urgen with the indication of period or the timeless usage) the land area is allocated (removed);

The common area of the removed land area with decoding it on according to lands;

The size of the losses subject to compensation to collective farm, as well as losses of agricultural manufacture;

Quantity of farms (families), condition of their eviction, carrying of public structures and houses of the citizens, place of carrying of and at the expense of what lands the citizens will be allocated with new personal land plot , if from the removed land area it is provided eviction of the population;

b) To state farms, other state agricultural undertakings, wood economies and another land users – according to the decision of administration of state farm, forestry and another land users. In the conclusion to the administration the data stipulated by the sub-item "a" (with the exception of the first two paragraphs) of item 3.4 of the present Regulation are specified

3.5. The materials about allotting of the land area with the decision of general meeting of the members of collective farm (assembly of the representatives), agricultural cooperative society or with the conclusion of management of state farm, another land user are submitted to consideration of Hukumats of district (city).

Hukumat of district (city) in 15-day period considers the specified materials, makes a decision on allotting of the land area under construction of object. It also authorizes state land tenure regulation bodies for transferring the project of allotting of lands to a nature within the limits of the competence, and not on questions, which are their competencies. All materials with the decision and explanatory slip to it, submits to a regional department of land resources of land tenure regulation. Hukumats of districts of republican submission submits them to Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan in the order, specified in item 2.7 of the present Regulation. In case if the allotting of the land areas for needs of the undertakings, institutions and organizations is carried out from lands of farms of area located on the territory of other district, the materials on allotting of lands are represented to consideration and affirmation to Hukumat of district (city), where the land area is located.

3.6. In land tenure regulation business on granting of the land area directed to Hukumat of area or to Glavupavzem of the Ministry of Agriculture there should be the following materials:

The petition of the undertaking, institution, organization about

granting the land area in usage;

Materials on coordination of place of object;

The draft copy (general plan) of construction with accommodation of all objects of construction on asked site with the attachment of account of the required areas with the instruction of sequence of employment of the areas of construction according to years;

Copy from the land tenure plan of collective farm, state farm, another land user, with the indication of the land area, planned to representation, copy from the general plan of city (settlement) or diagram of building of city (settlement) with drawing of borders of the land area, planned to granting;

The act of technical inspection with the conclusion of forestry and plan (drawing) of wood sites made by forestry in case allotting of plots is carried out from lands of wood fund (including from woods of state farms, collective farms and others land users). On the schematic plan (drawing) the borders of groups of woods are specified, if the allotting is carried out from several groups (categories) of woods;

Explanations of land area of economy from whose lands, the land area before and after withdrawal and explication of the land area, given in usage;

Extract from the protocol of general meeting of the members of collective farm (assembly of the representatives) or conclusion of administration of state farm, forestry, other agricultural undertaking, organization and institution about allotting of the land area which has been officially registered according to item 3.4 of the present Regulation;

The act of an estimation of the losses of land users and losses of agricultural manufacture connected to withdrawal of the land area;

The acts of an estimation of structures and plantings on everyone house possession on the rights of a personal property of the citizens;

The project by subsequent re-cultivation of lands (on granting the land areas for working of minerals by an open way or for construction connected with infringement of a soil cover);

The information (or visa, certified by a seal, on the plan, drawing) of appropriate territorial geological department about presence of minerals and coordination of granting of the land area;

The resolution of Hukumat of district (city) about allotting of the land areas;

The graphic project of allotting of the land area;

Explanatory note to the project of allotting of the land area signed by its executor.

3.7. Hukumat of region considers the specified materials and

makes a decision on allotting of the land area. On questions, which are not in its competence, Hukumat of region submits all materials, with the decision and explanatory note to it, to Glavupravzem of Ministry of agriculture of the Republic of Tajikistan.

3.8. Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan considers all acted materials, prepares them and submits to the Government of the Republic of Tajikistan for the final decision.

3.9. The Government of the Republic of Tajikistan considers all the materials and information about allotting of the land area for construction of object and takes the appropriate decision.

3.10. The undertakings, organization and institution before reception of the license on allotting of the land area are obliged to pay the losses to land users in 10 days period. They should also transfer means, intended for compensation of losses of agricultural manufacture on the special account of Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan in the same period after the conclusion of the contract on preparation of land tenure regulation materials.

3.11. Financing of objects of construction begins on presentation act on the right usage of land by the undertakings, institutions and organizations to financing bodies the State.

3.12. It is prohibited to begin usage of the given land area before reception of the State act on the right of usage of land.

3.13. Land tenure regulation materials for the final decision will not be given to the undertakings, organizations and institutions, not paid in time losses of land users and not transfer means intended for compensation of losses of agricultural manufacture.

3.14. The questions on allotting of the land areas and lands of cities, settlements of a urban type and settlements which are not included in structure of lands of collective farms, state farms, other cooperative and state agricultural undertakings, are considered and are decided by Hukumat of city, Jamoat according to Land Code of the Republic of Tajikistan.

3.15. The project of allotting of the land area, approved in an established order is transferred to a nature by bodies of State Land Tenure Regulation Service at the presence of the representative of the undertaking, institution and organization for which plot is allocated, and in case of necessity - at the presence of the representatives of adjacent land users.

The land area is fixed in a nature by landmark of the established sample with binding to constant borders of contours and objects.

The results of work on transferring the project of allotting to a

nature are officially registered by the act, to which the drawing of transferring of the project to nature joins. The act and drawing are attached to case about allotting of the land area.

If the undertakings, institutions and organizations, to which the land areas are removed, use them for objects of construction serially for a number of years, the free land areas are allowed to be used by former land users for agricultural manufacture.

The carry of the projects to a nature is carried out only after performance of the requirements of items 3.10, 3.12, 3.13 of the present Regulation.

3.16. Land tenure regulation cases on preparation of the land areas are made in triplicate, from which the first copy (original) is directed in Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan for the account and storage, second - to a regional department of land resources, of the land tenure regulation and land reform and third - is transferred to the customer.

3.17. Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan according to given land tenure regulation materials on allotting of lands officially registers the State act on the right of usage of land according to the established form. The officially registered State act on the right of usage of land is submitted to Hukumat of district (city) for registration. Then one copy is entrusted to land-user and second is kept in the district department of land resources, land tenure regulation and land reform.

3.18. After giving the State act on the right of usage of land to new land user the district department of land resources, land tenure regulation and land reform brings in all changes to the State act on the right of usage of land of the former land-user, district maps of the land tenure and other land-registration documents.

4. Peculiarities of granting of lands for conduct of agricultural manufacture.

4.1. The undertakings, organization, institution, as well as the citizens interested in allotting of the land areas for conduct of agricultural manufacture submits the petition to Hukumat of district (city).

4.2. Hukumat of district (city) in 5-day period considers the petition and for preparation land tenure regulation of materials submits it to its regional department on land reform and land tenure regulation.

4.3. The district department on land reform and land tenure regulation in a month's time prepares land tenure regulation case and submits it on consideration and taking a decision to Hukumat of district (city).

4.4. Land tenure regulation case on allotting of the land areas includes the following documents:

The petition for granting the land area;

The protocol of general meeting (assembly of the representatives) or order of administration land uses, from whose lands the land area is withdrawn;

Copy from the plan of land tenure on scale 1:10000 or 1:25000;

The graphic project of allotting of the land area on scale 1:5000, 1:10000 or 1:25000;

Explanatory slip to the project of allotting of the land area.

5. Redistribution of lands between land users and their breaking up into smaller units.

5.1. With the purpose of elimination of defects of land tenure according to the Article 68 of Land Code of the Republic of Tajikistan, as well as at breaking up into smaller units redistribution of lands between land users is carried out.

5.2. The redistribution of lands between land users in the border of administrative area, as well as breaking up into smaller units of land uses is carried out by the decision Hukumat of district (city) with consent of land users to according to the projects inter-economic land tenure regulation.

5.3. Materials on redistribution of lands the following documents are included:

The applications of interested land users about redistribution of lands;

Extracts from the protocols of general meetings (assemblies of the representatives), orders of administrations State economy about an opportunity and conditions of redistribution of lands or breaking up into smaller units of land uses;

Explication of lands of land users, suffered from redistribution of area, breaking up into smaller units of land uses or transmitted land areas;

Copy from the plan of land tenure of economies suffered from redistribution of area, breaking up into smaller units with the transmitted land plots, putting in it;

The information on the basic economic parameters of economies and cost of transmitted basic means of manufacture;

The conclusion of management of agriculture;

The conclusion of Ministry of Agriculture of the Republic of Tajikistan;

The decision Hukumat of district (city).

6. Granting lands for increase of the areas of personal plots.

6.1. For increase of the area of personal plots, land user addresses Hukumat of district (city), which in 25-day period provides preparation of land tenure regulation case and makes a decision.

When the decision on granting the land areas is the competence Hukumat of region, Hukumat of district (city) submits land tenure regulation case to Hukumat of region (of districts without regional division - to the Government of the Republic of Tajikistan).

6.2. Hukumat of region in 10-day period considers materials and makes the appropriate decision.

When the decision on granting the land areas is adopted by the Government of the Republic of Tajikistan, Hukumat of region of the Tajikistan submits land tenure regulation case to Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan.

6.3. Glavupravzem of Ministry of Agriculture of the Republic of Tajikistan in week period considers submitted land tenure regulation case, draws a conclusion. In case of the positive conclusion Glavupravzem submits it with the draft decree for consideration to the Government of the Republic of Tajikistan.

6.4. In land tenure regulation case there should be the following documents:

The protocol of general meeting (assembly of the representatives) or order of the administration of State farm about necessity of increase of the area personal plots;

The information on the area of available personal plots in the farms and their use;

The list of collective farmers, workers or employees State farm, other farms, which need allocation personal plots with the indication of the size of land allotment;

Copy from the plan of land tenure of farms with drawing on it the borders of lands of personal plots fund;

The decision of Hukumat of district (city) about necessity of increase of personal plots.