

WATER CODE OF REPUBLIC OF THE TAJIKISTAN

Section I GENERAL PROVISIONS

Chapter 1. FUNDAMENTALS

Article 1. The tasks of the Water Code of the Republic of Tajikistan

The goal of the Water Code of the Republic of Tajikistan is to regulate the use of water not only to ensure the needs of the population, economy and industry are provided for, but also to ensure the protection of this valuable resource from pollution, obstruction and exhaustion. The Water Code also aims to improve condition of Tajikistan's water reserves and to protect the legal rights of citizens, enterprises, associations, institutions that require water.

Article 2. Water legislation

The present Code and the Laws issued in accordance with it regulate water relations in the Republic of Tajikistan.

Article 3. State water fund

The state water fund consists of:

- Inner rivers, lakes, reservoirs, channels, subterranean waters and glaciers, whose water is situated in the territory of the republic;
- Interstate (transit) waters of the rivers, whose water is situated partly or totally in the territory of other states.

Article 4. A state property on waters

Inner waters of the Republic of Tajikistan that are the exclusive property of the state, are the people's property and are given only in accordance with the Constitution of the Republic of Tajikistan.

The ownership of interstate (transit) waters is determined by the agreement of all the states in which the river basins are located.

Actions which violate the rights of state with respect to inner and interstate waters are prohibited.

Article 5. The jurisdiction of the Majlisi Oli of the Republic of Tajikistan in the sphere of regulation of the water relations

Jurisdiction of Majlisi Oli of the Republic of Tajikistan in the sphere of the water relation covers:

The approval of the water legislation, alterations and amendments of it;

The determination of the main areas of state policy concerning the protection and use of water resources;

All decisions taken to deal with problems that arise from the regulation of water which have been identified as falling under the jurisdiction of the Majlisi Oli of the Republic of Tajikistan.

Article 6. Jurisdiction of the Government of the Republic of Tajikistan in the sphere of regulation of the water relations

Jurisdiction of Government of the Republic of Tajikistan in the sphere of regulation of the water relations covers:

The carrying out the common policy of rational use and protection of water resources;

Coordination of activity of ministries, institutions and legal persons on use and protection of water resources;

Establishing the order of creation and use of the water fund, approval of norms and limits of water use;

Providing state statistics of the use and protection water resources, conducting water cadastre and water monitoring;

Creating measures and legislation to prevent and contain natural manmade disasters which are detrimental to water resources;

Development of interstate relations on the problems of water use and protection, implementation other measures stipulated by the legislation.

Article 7. Jurisdiction of local authorities in the sphere of water relations

Jurisdiction of local authorities in the sphere of water relations covers:

Identification of the main areas of the protection and use of the water resources in their territory;

Providing legal order in the sphere of regulation, use and protection of water resources;

Calculation and evaluation of condition of water, control over the use and protection of waters, maintenance of the limits of water use and conducting the calculation of water use water users;

Conducting maintenance and improvements of the condition of water, prevention of water pollution, restoration of facilities damaged as a result of natural or manmade disasters and the regulation of other issues as stipulated by the legislation;

Regulating of other issues stipulated by the legislation.

Article 8. State regulation in the sphere of the water relations

In the sphere of the water relations the state regulates:

The management of internal and interstate (transit) water funds in the territory of the Republic of Tajikistan;

Establishment of the order of water use and water protection, economic balance and the implementation of the state control over water use and protection.

Article 9. State management in the sphere of water use and protection

State management in the sphere of water use and protection is based upon a combination of administrative and territorial principles of management and is implemented by the Government of the Republic of Tajikistan, executive agencies of regional, district and city Majlises as well as those special local agencies of state agencies which have authorization from the state on regulation of waters use and protection in accordance with legislation.

Ministry of irrigation of the Republic of Tajikistan, Ministry of environment of the Republic of Tajikistan, Chief of geology attached to the Government of the Republic of Tajikistan (underground waters), Committee on state control of security of works in industry and mining supervision of the Government of the Republic of Tajikistan (thermal and mineral waters) are special authorized state agencies which regulate water use and protection. The Government of the Republic of Tajikistan carries out delineation of competence of special authorized state organs on regulation of water use and protection.

Article 10. State inspection of water use and protection

State inspection of water use and protection consists of observation of water legislation by all state, cooperative and other enterprises, institutions and organizations as well as citizens with, the aim of ensuring effective water use and protection.

Article 11. Agencies, conducting the state inspection of water use and protection

The state inspection of water use and protection is carried out by the specially authorized state agencies which regulate water use and protection.

Article 12. Participation of social associations, collectives and citizens in the implementation of actions of rational water use and protection

The special associations, collectives and citizens which assist state agencies in the implementation of actions of rational water use and protection.

The state agencies while carrying out these actions take into consideration the suggestions of social associations, collectives and citizens.

Chapter II. ACCOMMODATIONS, PLANNING, CONSTRUCTION AND PUTTING INTO OPERATION ENTERPRISES, STRUCTURES AND OTHER UNITS, INFLUENCING THE CONDITION OF WATER

Article 13. Conditions of accommodation, planning, construction, putting into operation enterprises, structures and other units including water condition

Rational use of water in technological processes must observance all the requirements of ecological health and protection. Water required for the drinking and household needs of the population (must be provided by taking into account accommodation, planning), construction and putting into operation new and reconstructed enterprises, structures and other units. All of these issues must be taken into account for any installation which uses new technological processes which impact water resources.

Action must be taken to provide all necessary measurements and calculations of water use and consumption and to facilitate the protection of

water from pollution, obstruction and exhaustion, steps must also be taken to ensure the prevention of any action which will be detrimental to water resources. The flooding of land must be restricted to the minimum necessary area of land required for such purposes. The soil must be protected from sinning or drainage, thus the creation of water protection zones is obligatory. Favorable natural conditions and protection of scenic landscapes must be maintained.

Action must be taken to provide protection for all aquatic life (animal and pant) and their environment must be of a high enough quality to allow such life forms to procreate. Such action must be maintained throughout the planning and construction phases of any enterprise, structure or facility which can influence the condition of water resources.

The use of water for rest and sport must be considered.

Any regime new or current which exploits underground water resources must not pollute or exhaust such reserves.

Article 14. Determination of the sites of construction of enterprises, structures and other units, which influenced the quality of water

The Determination of the sites of construction of enterprises, structures and other facilities which can influence the quality of water must be coordinated with the specially authorized state agencies that regulate the use and protection of water resources, as well as the local authorities and agencies that conduct sanitary inspection and finally, all other agencies in accordance with legislation.

Article 15. Coordination of construction projects, enterprises, structures and other facilities which influence the quality of water condition

Construction projects, enterprises, structures and other facilities noted in Article 14 of the present Code are subject to the coordination by the specially authorized state agencies which regulate the use and protection of water and other agencies as established by the legislation of the Republic of Tajikistan.

The construction of the enterprises, structures and other facilities, that affect the water quality can only proceed with the presence of positive evidence provided by the state ecological experts.

Article 16. Prohibited procedures relating to the operation of enterprises, structures and other facilities which influence the water quality

The following procedures and operations are banned:

- Any entity which does not have special permission to use water is prohibited;
- All new and convert enterprises, shops, aggregates, communal and other entities that lack the equipment which prevents pollution or other harmful acts to the water quality are banned;
- The construction of Irrigation channels and reservoirs is prohibited unless detailed plans are created for the possible flooding, blockage, salting and soil erosion which may occur as a result of their construction;
- The construction of drainage systems is prohibited unless their facilities are made in full accordance with legislation covering confirmed projects;
- Water collection facilities which lack fish protecting equipment in accordance with legislation are prohibited;
- Hydro-technical facilities which lack structures that allow the admission of high-flood water and fish in accordance with the legislation covering confirmed projects are banned;
- Bore holes may not be constructed unless water regulating systems are also put into place and zones for sanitary protection established were necessary.

It is banned to fill storage lakes until bed is ready.

Article 17. The construction of bridges, passes and other engineering projects which facilitate transport and communication across water ways

All constructions and engineering projects that facilitate transport and communication across water ways must allow the admission of flood water, and in no way harm the animal and plant life present in the water ways. Such structures must not pollute, obstruct, exhaust or in any way impair the water way at the time of construction and there after.

Chapter III. WORK CONDUCTED ON WATER WAYS AND IN LITTORAL STRIPS (ZONES)

Article 18. Orders regulating work which is conducted upon water ways and in littoral strips (zones)

Construction, deepening of water ways, use of explosives, mining of minerals, extraction of aquatic plants, forest, laying cables, pipelines and other line operations which can affect the water quality, must be carried out in the coordination with the specially authorized state agencies which regulate the use and protection of water as well as local authorities and other agencies in accordance with legislation of the Republic of Tajikistan.

The regulation and coordination of all operations which affect the water quality water ways and littoral stripes (zones), as well as all documents pertaining to this regulation (acts, protocols, etc.) are established and issued by the Government of the Republic of Tajikistan.

Article 19. Littoral strips (zones) of reservoirs

Littoral strips (zones), where work is coordinated by the appropriate state agencies in accordance with the Article of 18 of the present Code. Their areas are as follows:

- Zones of sanitary protection of surface and underground water ways;
- Littoral strips of internal waterways;
- Allotted strips of canals which serve several economic regions;
- Other strips (zones) of reservoirs stipulated by the legislation.

The littoral strips (zones) are established by the Government of the Republic of Tajikistan after consultation with the specially authorized agencies which regulate the use and protection of water, agencies which conduct sanitary supervision, health resorts managers and local authorities.

Article 20. Establishing water protecting zones

A water protection zone is defined as a territory which contains rivers, main canals and canals serving more than one economic region and other water ways or bodies of water where any regime which uses these water resource must prevent pollution, obstruction and exhaustion of the resource. Within such regions any activity which causes soil erosion and thus silting of the water ways, is prohibited.

Water protection zones and sanitary protection zones are established by the specially authorized state agencies which regulate the use and protection of water as well as other authorized agencies, and approved by local authorities.

Article 21. Maintenance of water protection zones

The heads of the associations, enterprises, institutions and economic regions as well as citizens, who use land situated with the bound..... of water protection zones are responsible for maintenance of water protection zones.

The use of chemical substances, by any facility which can pass into the water resources and reduce the water quality is banned.

Section II
WATER USE

Chapter 4. WATER USE AND WATER RESOURCES

Article 22. Water users

Water users can be state, cooperative, dehkans, social enterprises, institutions, organizations and citizens of the Republic of Tajikistan.

Other organizations can be water users in cases, stipulated by the legislation of Republic of Tajikistan.

Article 23. Water resources

The water resources specified in the Article 3 of the present Code are given to use.

Article 24. Partial and complete banning of water use

Use of water resources which have special meaning for the state or the special scientific and cultural value, can be partially or completely prohibited for use in the order, established by the Government of the Republic of Tajikistan.

Chapter 5. KINDS OF WATER USE

Article 25. Various forms of water use and standards targets which must be met

Water resources are only approved for use if the set terms and conditions of their use are observed. These terms and conditions are set to ensure water used for drinking, common, medical, resort, and other needs of the population as well as agricultural, industrial, energetic, transport, and other state and public necessities.

The use of water for the treatment of sewage can only be admitted only in cases where the special demands and conditions stipulated by the Articles 89 - 92 of present Code are observed.

Water resources may be used for one or more purposes.

Article 26. General and special water use

There are two types of water use: general water use, which operates without the construction of technical equipment and which does not affect water quality and special water use which does incorporate such equipment. Any use of water which does not incorporate the use of technical equipment but which does affect the water quality falls under the classification of special water use.

A complete list of different varieties of special water use as well as the volume of republican and inter-republican reservoirs has been established by the specially authorized state agencies which regulate the use and protection of water.

Article 27. Multiple and singular water use

Water resources may be in multiple and singular use.

Any water resource which has not been to singular use is free for multiple use.

Water resources which have been designed for use by one enterprise, organization, institutions or entity in accordance with the decision made by the Government bodies (Article of 35 of the present Code) are in singular use.

Article 28. Primary and secondary water use

Primary water users are enterprises, organizations and institutions and any entity that use a singular water resource. These bodies have the right to permit secondary use of their water resource by other enterprises, organizations, institutions or entity in accordance with the specially authorized state agencies which regulate the use and protection of water as established by the legislation of the Republic of Tajikistan.

The terms and conditions of secondary water use, mutual rights and obligations of all parties must be stipulated and legalized in the form of a contract between primary and secondary water users.

Chapter 6. THE ORDER AND CONDITIONS OF RELEASING WATER RESOURCES FOR USE

Article 29. The essential drinking needs and everyday water requirements of the population preferential use of water resources

Water resources are primarily allocated to the drinking and everyday requirements of the population.

Article 30. Permission for special water use

Permission for the special use of water is granted by the specially authorized state agencies which regulate water use and protection. In the cases, stipulated by the legislation of the Republic of Tajikistan, local authorities may also grant such permission, but they must coordinate such action with the specially authorized state agencies which regulate the use and protections of the water, State Sanitary Inspection agencies, and as well as any other concerned parties.

Article 31. Permission for special use of water granted by local authorities

Local authorities may grant permission for use of underground water resources by villages, settlements and cities, if the facilities which they use to exploit such resources such as mining wells and obstructed filter wells, do not

draw water from a central water-supply or springs which run without forced lowering of water level

Construction of such wells and captages on state land and state forest fund must be carried out with the approval and observation of the specially authorized agencies regulating the use and protection of water and with permission granted by the local authorities.

Article 32. Orders regulating general use of water

General water use may be carried out without permission, however it is necessary to observe the requirements of State Sanitary Inspection agencies, protection of fish stocks, as well as people's lives protection act and rational use of water and protection act.

Local authorities must present to the specially authorized state agencies which regulate the use and protection of water, State Sanitary Inspection agencies, fish stock protection agency and all other agencies concerned the locations where ponds, swimming, boating, collection of water for drinking needs of the population and as well as determining other general uses of water resources stipulated on their territories. These measures must be taken to protect the lives and health of people, they will also be useful for the needs and any other activity which requires such information.

Local authorities must declare and make freely available the conditions or regulations of general water use.

Article 33. General water use of water resources assigned to singular use

On water resources assigned to singular use, general water use is admitted according to the conditions, established by the primary water use in accordance with the specially authorized state agencies which regulate water use and protection. If necessary all general water use may be banned.

Article 34. Granting of water resources for singular use

The decision to grant water resources to be used in singular fashion is made partially or completely according to the decree of the Government of the Republic of Tajikistan, local authority or other authorized agencies as established by the legislation of the Republic of Tajikistan.

The purposes and conditions of water resources use are depicted in the decrees and decisions of water resources assigned to singular.

Article 35. Agencies assigning water resources for singular use

Within the territory of a district or a city the district and city authorities assign water resources to be used in singular fashion.

Regional authorities assign water resources situated in their own territory for use in singular fashion.

The Government of the Republic of Tajikistan or authorized state agencies assign water resources or their parts for singular use in cases stipulated by Articles 24, 85, 87 of the present Code, also in all other cases.

Article 36. Documents which identify the right for singular use of water resources

The right of singular water users are identified by state acts which regulate water use. These regulations are determined by district and city authorities.

The forms of these acts are determined by the Government of the Republic of Tajikistan.

Article 37. Terms of water use

Water resources are issued for permanent or temporary use.

If the length of time for which a water resource can be used has not been fixed than it is recognized as permanent use. Temporary use can be short-term up to period of three years and long-term up to period of twenty five years. If necessary the period of short-term water use can be prolonged to a period not more than the original short or long-term. General water use is not limited by term.

Article 38. Calculation of terms of temporary water use

The terms of temporary water use come into effect from the moment the decision is taken to allow singular use of water resources or when permission is given for special water use, unless stated otherwise in the agreement.

Article 39. Prolonging temporary use of water

State agencies may decide to prolong temporary water use of water resources which have been assigned to singular use or special water use if such a request is made by the water users.

Chapter VII. RIGHTS AND DUTIES OF WATER USERS

Article 40. Use of water resources according to their purpose

Water users have the right to use water resources according to their purposes.

Article 41. The rights of water users

In accordance with the specified use of the water resources, water users have by law the following rights:

- To use water for the specific needs in accordance with the permission given to them;
- To use water for their agricultural, industrial, hydro-energetic, fishing and hunting and transport requirements;
- To construct hydro-technical facilities and other structures as well as carry out repairs and decommissioning such facilities;
- To use water resources for relaxation, sports, sanitation, environmental conservation as well as other operations which are not prohibited by the legislation of the Republic of Tajikistan.

Article 42. The limitations of the rights of water users

The rights of water users may be limited in the interests of the state or other water users in case of extraordinary shortage of water, other use of water resources or threats of epidemic and epizootic occurrence as well as other extraordinary situations which are not prohibited the legislation of the Republic of Tajikistan.

In spite of these limitations the drinking needs and everyday water requirements of the population must be satisfied.

The limitations of the rights of water users to carry out measures to prevent damage from natural disaster is regulated by Article 125 of the present Code.

The rights of the water users can be limited by the specially authorized state agencies which give permission for special water use. The rights for secondary water use can be limited by the primary water user on concordance with specially authorized state agencies which regulate the use and protection of water as well as other agencies in accordance with the legislation of the Republic of Tajikistan.

Article 43. Duties of water users

Water users are obliged:

- To use water resources rationally and economically. They must restore, maintain and improve the quality of water;
- To ensure no sewage is discharged into water resources and all sewage is completely treated;
- To ensure they do not infringe the rights of other water users, and also do not damage any economic or natural resources (lands, plants, animals, mineral and other);
- To maintain and improve any facility or technical equipment which treats water and maintains water quality;
- To use laboratory inspection techniques when testing the quality of water;
- To ensure the good condition of water protected zones in observance of the use of territories legislation if the resources of these zones are being exploited by the water user.

Article 44. Encouragement of water users to create implement measure for rational use and protection of water

Any measures which stimulate the implementation of useful and rational usage and protection of water as prescribed by the Government of the Republic of Tajikistan are to be encouraged.

Chapter VIII. TERMINATION OF THE RIGHTS OF WATER USAGE

Article 45. The grounds for termination of the rights of water usage

The right of water usage by enterprises, organizations, institutions and citizens are subject to termination in the following cases:

- When the need of water use is over or in case renunciation (of this right);

- Expiration of water use;
- Liquidation of enterprise, organization or institution;
- Delivery of water facilities to other water users;
- Arising necessity of sequestration of permission on special water

use:

The right of water use by enterprises, organizations, institutions and citizens (except the rights of use of waters for drinking needs and everyday necessities) also can be terminated if there is any violation of the rules of waters use and protection, or if water resources are used for any other purpose other than the purpose which was initially specified.

Legislation of the Republic of Tajikistan can provide other grounds for the termination of the rights for water use by enterprises, organizations and citizens.

Article 46. Order regulating the termination of water use rights

The right of water use is terminated by means of:

- Abrogation of permission for special water use;
- Sequestration of water resources granted for singular use.

The termination of special water use is carried out according to the decision of the agency gave permission for it.

The secondary water use can be terminated according to the decision of the primary water user, on concordance with specially authorized state agencies on regulation of water use and protection.

Article 47. Withdrawal of water resources from singular use

The withdrawal of water resources from singular use is made in the order established (installed) by the legislation of the Republic of Tajikistan. The withdrawal of water resources from usage of reserves is made according to Article of 88 present Codes.

Article 48. Compensation for damages caused by economic activity relating to water use and termination or change of conditions of water use

Damage caused to enterprises, organizations and citizens by economic activity relating to water use (hydro-technical work etc.) as well as termination or change of conditions of water use are subject to compensation in affirmed cases as established by the Government of the Republic of Tajikistan.

Chapter IX . USE OF WATER RESOURCES FOR DRINKING NEEDS, EVERYDAY AND OTHER NECESSITIES OF THE POPULATION

Article 49. Water resources, given for drinking needs everyday and other necessities of the population

Quality of water resources given for drinking and everyday water supply, as well as for other needs of population should correspond to the established sanitary demands.

Article 50. The central water supply of the population

Enterprises, organization an institutions which have operational facilities which can be used to pipe drinking water have the right to collect and supply water from water resources in accordance with approval and permission for special water use. Such entities may use water resources to supply consumers drinking and everyday requirements as well other necessities by order of the central supply.

The enterprises, organizations and institutions mention in the present Article, are bound to organize measurements of collecting water, carry out regular quality control testing of the water supply resources. They should also inform specially authorized state agencies which regulate water use and protection, agencies of state sanitary inspection and local authorities about deviation of water quality in resources from the established standards.

Article 51. Non-central water supply of population

Enterprises, organizations, institutions and citizens have the right to collect water directly from surface or underground resources for common and

special water use when they use water resources for drinking needs, everyday and other necessities by the order of non-central water supply.

The usage of water collecting facilities, destined to be used for these proposes, is carried out in accordance with the rules established by local authorities in their territory.

Article 52. Use of underground waters of drinking quality for needs, which are not connected with everyday water supply

The usage of underground waters of drinking quality for needs, not linked with drinking and everyday water needs, as a rule, is prohibited. In districts, where necessary surface water resources are absent and sufficient stock of underground water of drinking quality is present, specially authorized state agencies which regulate the use and protection of water can permit the use these waters for purposes not linked with drinking and everyday water supply.

Chapter X. THE USE OF WATER RESOURCES FOR MEDICAL AND SANITATION PURPOSES

Article 53. Water resources that are primarily used for medical purposes are categorized as medical use

The water resources categorized in the established order as medical, are used primarily for medical and health resort purposes.

In extraordinary cases specially authorized state agencies which regulate use and protection of the water can permit the use of medical water resources, for other purposes in concordance with a appropriate bodies of Ministry of health and health resort management.

Article 54. Prohibition of sewage disposal into water resources, attributed to the medical use

Sewage disposal into water resources, attributed to the medical use, is prohibited.

Article 55. The regulation of water resources which are used for relaxation and sport

The regulation of water resources for relaxation and sport is established by the Government of the Republic of Tajikistan.

Article 56. Water resources used by small vessels

Water resources used for navigation by small vessels (rowing boats, motor boats, Launches, sailing yachts etc.) is allowed with observance of rules of small vessel use, established by the Government of the Republic of Tajikistan.

Small vessels should be registered by local authorities in the established order and must be clearly marked on their sides.

Article 57. Water resources used for sport and amateur fishing

All reservoirs except those stipulated on the territory, fish sanctuaries hatcheries, ponds and other cultural economies, can be used for sport and amateur fishing with the observance of established rules of fishing.

Water resources or their separate parts can be given by agencies, carrying out water protection for the above-mentioned purpose.

Sporting and amateur fishing in the reservoirs can be carried out according to the licenses given by the voluntary sporting societies given to them for organization cultural fishing economies.

Chapter XI. WATER RESOURCES USED FOR AGRICULTURAL NEEDS

Article 58. Agricultural water use

Agricultural water use can be of two types common or special. Irrigation, drainage and other operation, facilities and equipment which belongs to state organizations, collective farms, state farms and other water users are of special uses of water.

Article 59. Targets of water of irrigation for agriculture

Agricultural water use is carried out in order to create favorable water regimes on irrigated lands of collective farms, state farms, dehqan economies and other agricultural enterprises, organizations and institutions for the increasing of productivity of cotton and other agricultural operations as well as for other needs of agricultural production.

Article 60. Planning of agricultural water use

Water use for irrigation, main waterways, reservoirs and other economic facilities is carried out on the grounds of internal economic and common plans of the water use.

Water used in drainage system of bilateral operations is carried out on the grounds of internal economic and common plans which regulate water regimes of meliorate lands.

The need for water used for agriculture is stipulated in the plans of water use. Water used for the drinking and everyday requirements of the population take precedence.

The management of irrigation, irrigation facilities and other economic water complexes can conclude contracts with water users in accordance with the plan of water use. These contracts will specify conditions of water use as well as mutual rights and duties of the Parties.

Article 61. Confirmation of plans agricultural water use

Internal plans of water use, composed by collective farms, state farms and other enterprises, organizations and institutions-(water users) are subject to coordination from those entities which manage irrigation systems and economic water resources. They are confirmed by the local authorities in their territories.

Social plans of water use are confirmed as:

- On systems within districts – by local authorities of that territory;
- On system within regions and republics regional and republican agencies of irrigation and water management in accordance with agricultural bodies.

Article 62. Change of quantity and terms of w requirements water released for use

Over and above planed water use for agricultural needs is admitted on water user's application.

Specially authorized state agencies which regulation water use have the right:

- To limit water resources to water users while in possession of irrigation sources (with observance of the principle of equal water provision), to include water circulation on irrigating systems during periods of lack of water on separate sources of irrigation; to restrict water resource to those water users who use water improvidently or who take water willfully;

- To adopt plans of water use as and when changes occur in the use of water for example irrigation or other resources such as climate, if such alterations are .changed to the planned use. Changes to plans of water use (plans of water regime regulation) can be made only in concordance with agencies, confirmed this plan.

Article 63. Duties of water users, that use water resources for agricultural purposes

The collective farms, state farms, dehkan farm and other enterprises, organization, institution and citizens using water resources for agricultural purposes, are bound to observe established plans, rule, norms of water use. They should also take measures to restrict loss of water due to filtration and evaporation in land reclamation system and prevention from irrational water use in these facilities, and non-admission of getting fish into land-reclamation system from fish economic reservoirs, as well as create the most favorable regime for ground moisture.

Article 64. Irrigation using sewage

Irrigating agricultural lands using sewage may be permitted by the Ministry of Environmental Protection of the Republic of Tajikistan in accordance with the Ministry of irrigation and sanitary and veterinary inspection.

Article 65. Waters use for irrigation and drainage of lands, occupied by forest, forest-belts and arboreta (nursery gardens)

Provisions of Articles 58, 63, 64 of the present Code are also spread over irrigation and drainage of lands occupied by forest, forest-belts arboreta.

Article 66. Water resources used for gardening partnerships and collective truck farming

Gardening partnership, enterprises, organizations and institutions, which have land plots for collective truck farming and gardening can use water resources for watering of kitchen gardens and gardens.

Article 67. Providing personal plots and other forms with water

Providing dehqan farms, personal plots of collective farms, workers, service workers and other citizens, living in the territory of the organization – water users (collective farms, state farms etc.), is carried out by the organization – water user in accordance with approved plans of water use.

Article 68. Prohibition of water resources of national economic importance

Collective farms, state farms and other enterprises, organizations, institutions and citizens – are prohibited to construct hydro-technical on water ways and reservoirs of national economic importance. They are also prohibited to construct temporary crosspieces, pumping stations and other facilities.

Article 69. Prohibition of the passage of tractors, other means of transport, cattle through channels and other hydro technical constructions

Cattle track, tractor passage, passage of agricultural vehicles, cars and other means of transport through channels and other constructions in places which are not allocated to these purposes, are prohibited. Cattle watering from channels and reservoirs is admitted only in specially equipped watering places or places allotted for this purpose.

Article 70. The participation of water users in irrigating reclamation works

Water users, consuming water from existing inter production systems as well as from irrigation systems, can be drawn to implements irrigating-reclamation works in the order established by Government of the Republic of Tajikistan for maintenance and improvement of these systems.

Article 71. Water supply of agriculture

Water supply of agriculture can be centralized or non-centralized. The rules stated in Article 50 of the present Code are spread over centralized water supply.

Non centralized for farms and other agricultural enterprises is implemented by the decision of local authorities regulating irrigation of pastures. Local authorities must act in accordance with sanitary and veterinary inspection state agencies and specially authorized state agencies which regulate the use and protection of water.

Collective farms, state farms, dehkan production units and other enterprises, organizations and institutions which exploit water resources for irrigation of pastures and other agricultural aims, must not use excess water for these operations, so as to prevent soil erosion and the creation of swamp environment.

The specially authorized state agencies which regulate water use and protection can take action against any water consumer who they believe has wrongly and wastefully used water resources.

Chapter XII. USE OF WATER RESOURCES FOR INDUSTRIAL AIMS
AND HYDRO-ENERGY

Article 72. Duties of water users, using water resources for the industrial purposes

Duties of water users using water resources for the industrial purposes, should observe established plans, technological norms and rules of water use as well as taking measures to reduce water expenditure and to reduce of sewage faults by means of improving the technology of production and outline of water supply (application of waterless technology processes, air cooling, reverse water supply and other technological methods).

Article 73. Limitation of drinking water use for industrial purposes

Local authorities in case of natural disasters, lack of water and others extraordinary circumstances, as well as on over expenditure of established limits of water use from water-pipes, have the right to decrease or prohibit use of drinking water for industrial purpose in order to satisfy the primary objective of insuring the drinking and everyday requirement of the population.

Article 74. Use of underground waters for technological water requirements and other industrial needs

Underground waters (unsalted and mineral), which are not attributed to medical and drinking waters, can be used in established order for technological water requirements, extraction of chemical elements and obtaining getting of thermal energy. They can also be used for other industrial requirements with observance of conditions of rational water use and protection.

Article 75. Usage of water resources for the needs of hydro-energy

Usage of water resources for the requirements of hydro-energy is carried out, taking into account the interests of other spheres of national economy, as well as observing of the demands of complex water use, if other is not strictly stipulated by the decree of the Government of the Republic of Tajikistan, and in the according cases – by the decision of specially authorized state agencies which regulate the user and protection of water. Filling and working of reservoirs are carried out annually in accordance with the Ministry of irrigation of the Republic of Tajikistan.

Chapter XIII. WATER RESOURCES USE FOR THE NEEDS OF WATER,
AND AIR TRANSPORT

Article 76. Water ways of common use

Rivers, lakes, reservoirs of the Republic of Tajikistan are water ways (of common use) with the exception of the cases, when their use for these purposes is completely or partially prohibited or when they are given to singular use, in addition to the condition of Article of 3 the present Code.

Article 77. The order of attributing of water ways to the navigable and establishment rules of exploitation

The order of attributing of water ways to navigable ones and establishing of rules of their exploitation is determined by the Government of the Republic of Tajikistan.

Article 78. Usage by water resources for other needs

The order of water resources used for parking, flight and landing of air transport, as well as other needs of air transport is established by the legislation of the Republic of Tajikistan.

Chapter XIV. WATER RESOURCES USED BY THE FISHING INDUSTRY

Article 79. Restriction of water use on industrial fish reservoirs in the interests of the fishing industry

The rights of water users can be reduced in the interest of industrial fish reservoirs or their separate plots, having important environmental value such as maintaining and reproduction of valuable or endangered species of fishes and other objects of a water business.

The list of such reservoirs and their plots and kinds of restrictions of water use are determined by Ministry of Protection of Environment in accordance with the Ministry of Irrigation and Water Economy of the Republic of Tajikistan.

Article 80. Measures on protections and reproduction of fish stocks

Actions providing protection of fish stock and conditions for its reproduction should be implemented before the exploitation of hydro-technical and other constructions in industrial fish reservoirs.

Any activity which threatens the environment or well being of fish stocks, spawning grounds and winter locals is strictly prohibited. The use of water from fish industrial reservoirs for industrial purposes, irrigation and other requirements may only be carried out if facilities are present which will ensure that no fish will be removed from the reservoir or be threatened by

such activities. These devices should be coordinated with agencies carrying out fish stock protection.

Article 81. Duties of the enterprises and organizations, using fish production reservoirs

Collective farms, state farms, dehkan farms, enterprise, organization and citizens, who have the right to use fish reservoirs and fisheries for fish production, must maintain the high enough quality of such facilities as to allow the reproduction of aquatic life and they should carry out all necessary and reclamation works as well as ensuring all river side plots are kept in good sanitary condition.

Article 82. The regulation of water resources use for fishing industry

The regulation water resources use for fishing industry is established by the legislation of the Republic of Tajikistan.

Chapter XV. WATER RESOURCES USE FOR HUNTING
REQUIREMENTS

Article 83. Preferential rights of hunting organizations on water use

Specially authorized state agencies which regulate use and protection of water can give preferential rights to the hunting enterprises and organizations taking into account demands of complex water use and protection at rivers, lakes and other objects which contain aquatic birds and valuable of endangered species of animals such as (bears, ondatra, desman, ocyru, otter and etc.)

Article 84. The regulation of water resources for hunting requirements

Water resources use for needs of the hunting economy, (breeding of aquatic birds and fur-bearing animals, cultivation of plants and implementing other actions necessary for operating a hunting economy) are carried out in accordance with the specially authorized state agencies which regulate the use and protection of water, State Sanitary Inspection agencies and other agencies concerned.

Chapter XVI. PERSERVATION OF WATER RESOURCES

Article 85. Reserve water resources

Water resources which represented scientific and cultural value, and are declared as reserves, are recognized to be natural or cultural importance in the order established by the legislation of the Republic of Tajikistan. Decision concerning recognition of water resources as natural and cultural memorials and establishment of main conditions of their use are brought to the population and organizations concerned.

Article 86. Recognition of water resources as natural or cultural monuments

Water resources having scientific and cultural value, but announced reserved, are admitted as monuments of nature or culture in the order established by the Government of the Republic of Tajikistan, the decisions on recognition of water resources as monuments of nature and culture and establishment of the basic conditions of their use are leading items of information for the population and interested organizations.

Article 87. The orders of usage of reserved water resources and measure for their protections

The order of usage of reserved water resources are determined by the Provision of Preserves. Actions breaking the natural position of reserved waters are prohibited. The use by citizens of reserved water resources allowed only by permission of their administration. Sewage disposal in reservoirs that feed reserved water resources, as well as hydro irrigating works, which can change a natural environment of these resources, are concluded with the observance of the rules stipulated by Articles 18 - 19, 89 - 92 of the present Code and in concordance with the administration of the appropriate preserves.

The Government of the Republic of Tajikistan reserves the right to include any water resources and their surrounding areas in a protected zone and thus prohibit or limit the use of such waters if such operations endanger environment or water reserves.

Article 88. Removing to the reserved status of water resources

The removal of reserved status of water resources is only admitted in cases by decree of the Government of the Republic of Tajikistan.

Chapter XVII. WATER RESOURCES USE FOR SEWAGE FAULT

Article 89. Permission for water resources used for the disposal of sewage

Water resources used for industrial, communal household and other sewage can be carried out only with permission of specially authorized state agencies which regulate the use and protection of water in coordination with State Sanitary Inspection agency and other relevant agencies. Permission is only given if necessary documents provided prove the necessity of use of such resources.

Article 90. Prohibition of the disposal of sewage in water resources which are used for drinking requirements

Sewage disposal into water resources used for drinking is prohibited.

Article 91. The conditions of disposal of sewage into water resources

Sewage disposal is admitted only in cases when it does not increase the concentration pollution above established norms in cases where water user cleans sewage until the appropriate limits, determined by the agencies of water protection are met.

If the above regulations are violated then water protection agencies may limit, suspend or prohibit industrial enterprises, shops, organizations, institutions from disposing sewage.

Agencies conducting State Sanitary Inspection have the right to suspend sewage disposal of any entity whose activity threaten the health of the population the agencies which regulate water protection must be notified of any such action. All actions regarding cleaning and disinfecting sewage disposal from new constructed and reconstructed industrial, communal and agricultural enterprises, should be implemented until the above mentioned facilities are fully operational.

Article 92. The order and conditions of water resources used for sewage fault

The orders and conditions of water resources used for sewage disposal are established by the Government of the Republic of Tajikistan.

Chapter XVIII. WATER RESOURCES USED FOR FIRE PREVENTION REQUIREMENTS, EXTRAORDINARY SITUATIONS AND OTHER STATE AND PUBLIC NEEDS

Article 93. Water resources for fire-prevention needs

Using water for fire-prevention requirements is admitted for all water resources. Land users and leaseholders of land plots must give their water free of charge for extinguishing fires and in other extraordinary situations.

Article 94. The regulation of water resources use for fire-prevention requirements and extraordinary situations for both state and public needs

The orders of water resources use for fire-prevention requirements, extraordinary situations, and other state and public needs is established by the legislation.

Chapter XIX. EXPLOITATION OF RESERVOIRS

Article 95. Regime of filling and working of reservoirs

The enterprises, organizations and institutions which have facility that consume water from reservoirs, should maintain the water level and take into account the interests of other water users of reservoirs.

Article 96. The order of exploitation of reservoirs

The order of exploitation of reservoirs is determined by the rules approved by specially authorized state agencies which regulate the use and protection of water in accordance with agencies, conducting State Sanitary Inspection and other agencies.

Article 97. Organization and coordination of actions maintain the technical condition of reservoirs and reservoir improvement

Organization and coordination of actions providing proper technical assistance for reservoir improvement, as well as inspection to ensure observance of the rules regulating their exploitation, are carried out specially by authorized state agencies which regulate the use and protection of water by the order established by Government of the Republic of Tajikistan.

Article 98. Lakes and other reservoirs, used for waters storage

The provisions of Articles 95, 96, 97 of the present Code are also spread over exploitation of lakes and other resources used for storage.

Chapter XX. ADJUSTMENT OF USE OF INTERSTATE WATER RESOURCES

Article 99. Adjustment of use of water resources, situated on the territory of the Republic of Tajikistan and other states

Regulation guiding the use of interstate water resources (rivers Amu-Darya, Syr-Darja, Zarafshon and others), situated in the territory of the Republic of Tajikistan and other states are carried out in accordance with interstate treaties and agreements.

Chapter XXI. WATER USE OF FRONTIER WATERS OF REPUBLIC OF TAJIKISTAN

Article 100. Regulation guiding the use of frontier waters of the Republic of Tajikistan

Water use on frontier waters of the Republic of Tajikistan is carried out on the basis of the interstate treaties and agreements.

Where use of frontier waters of the Republic of Tajikistan is not regulated by the international agreement with participation of the Republic of Tajikistan, it is implemented in accordance with the legislation of the Republic of Tajikistan.

The regulation of water use of frontier waters of the Republic of Tajikistan is established by various agencies in coordination with the command of frontier forces.

Chapter XXII. SETTLEMENT OF DISPUTES ON WATER USE

Article 101. Agencies, settled disputes on water use

Disputes on water use are settled by the Governments of the Republic of Tajikistan, local authorities as well as specially by authorized state agencies which regulate the use and protection of water other authorities, state agencies, in the order established by the present Code and other legislation of the Republic of Tajikistan.

Article 102. Settlement of disputes on water use between water users of the Republic of Tajikistan and water users of other states

Disputes on water use between water users of the Republic of Tajikistan and other states are settled by the Governments of the states.

Article 103. Settlement of disputes on the right for special water use

Disputes on the right for special water use are settled by agencies given permission for water resources use.

Article 104. Jurisdiction of the Government of the Republic of Tajikistan on settlement of disputes between water users

The Government of the Republic of Tajikistan settles dispute on water use between water users independently from their forms of property and subordination situated on the territory of different districts (cities) of republican subordination from one side and regional subordination, from the other with the exception of the disputes, stipulated by the Articles 103 and 108 of present Code.

Article 105. Jurisdiction of regional authorities in the settlement of the disputes concerning water use

Regional authorities settle disputes on water use between collective farms, enterprises, organizations and institutions, situated in different districts (cities) of the region, with the exception of disputes, settle by the Government of the Republic of Tajikistan, specially authorized state agencies which regulate the use and protection of water and other authorized state agencies.

Article 106. Jurisdiction of local authorities (district, city) on settlement of disputes on water use

Local authorities (district, city), to which rural district is attributed, settle disputes on water use between enterprises, organizations, institutions and citizens on issues of use of water resources situated on the territory of the district (city), with the exception of disputes whose settlement is attributed to the jurisdiction of specially authorized state agencies which regulate the use and protection of water and other authorize agencies.

Article 107. Jurisdiction of kishlak authorities on settlement of disputes on water use

Jamoats settle disputes between citizens on water resources use situated on the territory of kishlak, exception of disputes whose settlement is attributed to jurisdiction of specially authorized state agencies which regulate the use and protection of water and other authorized agencies.

Article 108. Jurisdiction of agencies on regulation of water use and protection and other authorized agencies on settlement of disputes on water use

Specially authorized state agencies which regulate the use and protection of water and other authorized agencies, settle disputes on water use attributed by the legislation in their jurisdiction.

Article 109. Settlement of disputes on water use between primary and secondary as well as among secondary water users

Disputes on water use between primary and secondary users as well as among secondary water users are settled by the agency, given permission for special water use.

Article 110. The order of examining disputes on water use

Disputes on water use are examined on motivated application by one of the involved parties. Documents necessary for the settlements of disputes on water use are prepared by specially authorized state agencies which regulate the use and protection of water.

The execution of the decisions on disputes is provided specially by specially authorized state agencies which regulate the use and protection of water, if no other agency is nominated for the decision. Appeal against decision on dispute of water use does not suspend its execution. The agencies, which took the decision on dispute of water use has the right to suspend the execution of decision till examination of the appeal by a superior agency.

Article 111. Settlement of property dispute concerning water relations

Property disputes concerning water relations are settled by the economic court in the order established by the Government of the Republic of Tajikistan.

Section III
WATER PROTECTION AND PREVENTION OF ENVIRONMENTAL
DAMAGE

Chapter XXIII. WATER PROTECTION

Article 112. Task of water protection

All waters (water resources) are subject to protection from pollution, logging an exhaustion, which can damage the health of population, as well as cause a decrease in fish stocks, worsening of water quality and other unfavorable phenomena owing to change of physical, chemical, biological

characteristics of water, which decrease its ability to natural, rectifying and air maintain in quality.

Article 113. Regulations conducting the measures to be taken to ensure the protection and improvement of the quality of water

Enterprises, organizations and institutions, which activity influence the condition of waters, should conduct technological, forest, land reclamation, agro-technical, hydro-technical, sanitary and other measures to protect water from pollution, clogging and exhaustion, as well improve the quality of water.

Such measures should be taken in coordination with agencies of water protection, local authorities, agencies conducting State Sanitary Inspection and other state agencies concerned or according to order of authorized agencies.

Article 114. Means of protecting and improving the quality of water.

Actions that protect water from pollution, clogging and exhaustion, as well as improve the quality of water are:

- Technological, which are directed at building water circulating systems in industrial water supply, constructions of clearing and rendering harmless sewage, utilization, using sediments of sewage as fertilizer, organization of technological processes on the objects of industrial and technological production, provided steady work to construct facilities that on clean and render harmless sewage, organization of other technological processes, that reduce pollution from sewage;

- Forest land – reclamation and agro-technical operations which strengthen coastal defenses, protect them from collapse, bogging up as well as stabilization and improvement of a natural water drainage systems;

- Hydro-technical operations which are directed at the creation of hydro-technical systems and constructions which provide favorable conditions for water use as well as clean river-beds, channels, ponds, lakes and reservoirs from the harmful accumulation of deposits;

- Sanitary-technical operations, which provide disinfecting and render harmless sewage, operations in water resources as well as sanitary protection and layout of production territories.

Article 115. Planning of measures which protect water

Measures on water protection are stipulated in the social economic forecast of the Republic of Tajikistan on the basis of the long-term state and territorial programs and schemes of development as well as distribution of productive reserves to branches of the national economy.

Territorial planning of water protection is carried out by local authorities.

Branch planning of water protection is carried out by ministries, departments, and enterprises taking into account the indicators of territorial planning.

Article 116. The protection of water reserves from clogging up and pollution

Industrial, everyday and other kinds of siftings and waste disposal into water resources is prohibited. Sewage disposal into water resources are allowed only on observance of resolutions, stipulated by Articles 89 - 92 of the present Code.

Article 117. The protection of water from pollution and clogging up caused by loss of oil spills , timber, chemicals, petroleum and other products

Owners of water transport, pipelines, floating and other constructions on water resources, as well as other enterprises, organization and institutions should not allow pollution and clogging up of water owing to loss of oil, timber, chemical, petroleum and other products.

Article 118. Protections of the water surface from ice cover

Enterprises, organizations and institutions should not allow pollution and clogging up of water surface, ice by which is formed as a result industrial, everyday and other siftings and waste as well as oil and chemical products, because their wash out entails worsening of quality of surface and underground waters.

Article 119. Prevention of water pollution by fertilizers and pesticides

Land users, collective farms, state farms and other enterprises, organizations and the institutions should prevent pollution of waters by fertilizers of pesticides. Juridical and physical persons who allow or act in a manner which causes pollution of surface and underground waters by fertilizers and pesticides bear the juridical responsibility in the order established by the legislation of the Republic of Tajikistan.

Article 120. Area and zones of sanitary water protection

Areas and zones of sanitary water protection are established in order to protect waters used for drinking and everyday water supply, of health-and medical needs of the population.

Article 121. Regulations for the prevention of the exhaustion of water supplies

Forest protection water zones are established as well as forest lands-reclamation, anti-erosion, hydro-technical and other actions are carried out in order to maintain favorable water quality of the rivers, lakes, reservoirs, underground waters and other water resources, for the prevention of water erosion of soil, silting up of reservoirs, environmental damages and the decrease of outflow, etc in the order stipulated by the legislation of the Republic of Tajikistan.

Article 122. The necessity for awareness of all water users interests when constructing buildings and facilities which effect the quality water

Agencies which regulate water use and protection should follow the plans of complex water use and water economic balances taking into account the interests of water users and land-users and demands of environment when coordinating the (issues of placing and building of enterprises constructions and other units affecting water condition).

Article 123. Underground waters protection

Organizations, conducting mining work should forthwith inform agencies which regulate the use and protection of water and take measures as established in the order to protect underground water resources if on conducting boring and other mining works, as well as, prospecting and exploitation of gas, oil, and other minerals, an underground water-resource is revealed.

Self-pouring bore-holes must be equipped with regulating equipment so as to conserve water resources established by the legislation on of the Republic of Tajikistan.

Chapter XXIV. PREVENTION AND OF HARMFUL EFFECTS OF
WATERS

Article 124. Duties of the enterprises, organizations and institutions on the prevention of harmful effects of water and pollution of water resources as a result of trans-frontier accidents and natural disasters

All enterprises, organization and institutions regardless of forms of property and subordination should carry out action to prevent pollution of water and water resources as a result of trans-frontier accidents and natural disasters and harmful influences of water, floods, destruction of coasts, protection dams and other constructions, bogging up and soiling of lands, erosion of soil, formation of ravines, landslides, mud-flows and other harmful phenomena.

The above-mentioned actions should be coordinated with agencies which regulate the use and protection of water, local Hukumat and other agencies concerned or according to the orders of specially authorized state agencies.

Article 125. Implementation of urgent measures on prevention of natural disasters caused by harmful influence of waters, consequences of pollution of water resources as a result of trans-frontier accidents, and natural disasters

Implementation of urgent measures which prevent natural disasters caused by harmful influence of waters, consequences of pollution of water

resources as a result of trans-frontier accidents, and natural disasters is regulated by the legislation of the Republic of Tajikistan.

The Government of the Republic of Tajikistan and regional, district and city Hukumats in necessary cases may create a commission, consisting of the representatives of appropriate organizations and institutions as well as representatives of specially authorized state agencies which regulate the use and protection of water so as to effectively manage work which prevent natural disasters and other harmful phenomena.

Article 126. Planning of actions which prevent harmful influence of waters, pollution of water resources as a result of trans-frontier accidents and natural disasters stipulated in forecasting of development of national economy

Planning of actions which prevent the harmful influence of waters, pollution of water resources as a result of trans-frontier accidents and natural disasters stipulated in forecasting of development of national economy.

Areas where unfavorable changes occur in the quality and condition of water, for example changes that endanger plant and animal life as well as the security and health of the population are designed as ecological disaster zones.

The legal position of ecological disaster zones are established and abrogated by the Majlisi Oli of the Republic of Tajikistan.

Chapter IV. STATE MEASUREMENT AND PLANNING OF WATER USE

Article 127. Tasks of the state measuring and use of water

Tasks of the state measuring and use of water is to ascertain the quantity and quality of water use for population and a national economy.

Article 128. Planning of waters use

Planning of water use should provide distribution of water on a scientific basis between waters users taking into account urgent satisfaction of drinking and everyday needs of the population, water protections and prevention of their harmful influence.

Article 129. State water cadastre

State water cadastre includes data of water measurement according to quantity and quality indicators, registration of water use as well as calculation of water use.

Article 130. Water economic balances

Water economic balances evaluate the extent, quantity and quality of water drawn from basins, economic districts and of operations of the Republic of Tajikistan.

Article 131. Scheme of complex water use and protection

General and basin (territorial) schemes of complex water use and protection determine the main uses of water, that must be implemented to satisfying the perspective water requirements of the population national economy, as well as for water protection and prevention of their harmful influence.

Article 132. The order of the state measurement of waters and their use, conducting of state water cadastre, drawing up of water economic balances and working out schemes of complex water use and protection

State measurement of waters and their use, conducting of state water cadastre, water monitoring, drawing up water economic balances, and working out schemes of complex water use and protection are carried out by Ministry irrigation and water management of the Republic of Tajikistan at the expense of state and according to the unique systems of the Republic of Tajikistan.

The order of the state measurement of waters and their use, conducting of state water cadastre, drawing up water economic balances, working out and confirmation of schemes of complex water use and protection is established by the Governments of the Republic of Tajikistan.

Section V
RESPONSIBILITY FOR VIOLATION OF WATER LEGISLATION
Chapter XXVI. RESPONSIBILITY FOR VIOLATION OF WATER
LEGISLATION

Article 133. Invalidity of transactions, violating of the rights of state property on waters

Cession of right for water use and other transactions directly or indirectly violating the right of state property on waters - are invalid

Article 134. Criminal and administrative responsibility for violation of water legislation

Persons who are guilty in making transactions mentioned in Article 133 of the present Code, as well as:

- Unauthorized appropriation of water unit or unauthorized water use;
- Collecting water in violation of the water use plan;
- Pollution and clogging of waters;
- Putting into operation enterprises, communal and other facilities without constructions, which prevent pollution and clogging waters or their harmful influence;
- Thriftless use of water (obtained or drained from water resources);
- Violation of water protection regulations causing their pollution, water erosion of soil and other harmful phenomena;
- Violation of the order of measurement and book-keeping;
- Autocratic manufacture of hydraulic engineering works;
- Damages of water economic constructions and equipment;
- Infringement of the service regulations of water users constructions and equipment,
- Bear criminal and administrative responsibility in accordance with legislation of the Republic of Tajikistan.

Legislation of the Republic of Tajikistan can establish responsibility for other kinds of violations of water legislation.

Article 135. Return unauthorized appropriation of water resources

Unauthorized appropriated waters are returned according to their belonging without compensation of expenditure, made during their illegal use.

Chapter XXVII. COMPENSATION OF DAMAGES CAUSED BY VIOLATION OF THE WATER LEGISLATION

Article 136. Compensation of damages caused by violation of the water legislation

Enterprises, organizations, institutions and citizens should compensate damages, caused by violation of water legislation in the sizes and order established by the legislation of the Republic of Tajikistan.

Article 137. The order of compensation of damages caused by violation of water legislation

Compensation of damages, caused by violation of water legislation is carried out, either voluntarily, or according to the decision of high economic court in accordance with taxes and methods confirmed in the established order.

Article 138. Financial liability of officials and other workers, who are guilty in tort

Officials and other workers, who are guilty in tort to enterprises, organizations and institutions bound with compensation of damages, bear financial liability in the established order.

Chapter XXVIII. INTERNATIONAL AGREEMENTS

Article 139. The international agreements

If international agreements of the Republic of Tajikistan establish provisions other than those than stipulated by the present Code, the provisions of international agreement are used.

Chairman of Supreme Soviet of the Republic of Tajikistan E.RAHMONOV /

№906, December 27, 1993, Dushanbe

DECREE
OF THE SUPREME SOVIET OF THE REPUBLIC OF TAJIKISTAN

ON PROMULGATION OF WATER CODE OF THE
REPUBLIC OF TAJIKISTAN

Supreme Soviet of the Republic of Tajikistan decrees:

1. To promulgate Water Code of the Republic of Tajikistan since January 1, 1994.
2. The Government of the Republic of Tajikistan must:

Submit proposals on any adaptation of the legislation of the Republic of Tajikistan with Water Code of the Republic of Tajikistan till March 1, 1994;

To adapt its decisions with Water Code of the Republic of Tajikistan;

Provide revision and cancellation and normative acts of ministries, state committees of the Republic of Tajikistan which contradict the Water Code of the Republic of Tajikistan.

Chairman of the Supreme Soviet of the
Republic of Tajikistan E. RAHMONOV

№907, December 27, 1993, Dushanbe