

# LAND CODE OF THE REPUBLIC OF TAJIKISTAN

The present Code regulates land relations and it is directed at the rational use and protection of land, recreation of fertility of the soil, maintenance and improvement of the natural environment and for equal development of all forms of economic activity in Tajikistan.

## Chapter 1. BASIC PROVISIONS

### *Article 1. Land law*

Land relations in the Republic of Tajikistan are regulated by this Code and other Land Laws issued on the basis of this Code.

Issues related to the ownership and use of mountains, forests and water resources, to use and protection of the flora and fauna, protection of the environment is regulated by the current legislation of the Republic of the Republic of Tajikistan.

### *Article 2. Land ownership*

Land in the Republic of Tajikistan is an exclusive ownership of the state. The state guarantees its effective use in the interests of its citizens. Certiorari of lands, which belonged to the ancestors, is banned.

### *Article 3. Unified national resources*

In accordance with the purpose they serve, all national land resources of the Republic of Tajikistan are divided into the following categories:

1. Farming lands,
2. Populated lands (cities, towns, and villages),
3. Land used for industrial, transport, communications, defense and other purposes,
4. Conservation land, land of historic and cultural value, land used for health-improvement and recreation purposes,
5. Lands of national wood reserves,
6. Lands of national water reserves,
7. State land reserves.

The category of land is stated in the following documents:

- a) In the state land cadastre;
- b) In the land use register;

- c) In the decisions of executive bodies about land allotment;
- d) In title deeds to land use and tillage .

*Article 4. Land-related issues that fall under the jurisdiction of Majlisi Oli*

The following land-related issues lie within the competence of Majlisi Oli:

- a) Setting and redrawing of the boundaries of administrative and territorial units (region, district, town);
- b) Designation of territories with special legal-use status; drawing and changing of their boundaries.

*Article 5. Land related issues that fall under the jurisdiction of the Government of Tajikistan*

The Government of Tajikistan is entitled to decide as the following land related issues:

- a) To dispose of land (to confiscate and to allot) within the boundaries of the Republic of Tajikistan for the purposes of the state and in agreement with local executive bodies;
- b) To work out and to implement state and inter-state programs on rational land use, on raising fertility of soil, protection of land resources as well as other nature protecting measures;
- c) Coordination of work of local executive bodies on implementation of state programs on use and protection of lands;
- d) To draw up and to submit to Majlisi Oli the state budget for land use and land protection measure;
- e) To set the boundaries of natural territories under special protection following an agreement with appropriate local executive bodies;
- f) To set the order and of land rent rates and to establish procedures for tax collection;
- g) To establish land-management procedure, procedures for land monitoring, drawing up and filling of cadastral documents;

*Article 6. Jurisdiction of the Chief Land Department with the state land protection and its local bodies*

The Chief Land Department with the State Land Inspection with the State Land Inspection and its local bodies:

- a) Shall develop proposals on management of land resources;
- b) Shall conduct land utilization;
- c) Shall carry out a land monitoring and census;
- d) Shall draw up and update cadastre document;
- e) Shall exercise state control over land use and land protection, issue instructions on how the detected violations of Land Law of Tajikistan should be eliminated;
- f) Shall determine and submit for orderly approval the size of the land tax and penalties for violation of Land Law;
- g) Shall apply duty-free to the Court of Law/Economic Court if enactment of local executive authorities contradict with the Land Law and should be abolished;
- h) Shall be entitled to suspend decisions on confiscation or assignment of land, before a competent an executive organ takes up the case and declares the decision invalid;
- i) Shall register and issue titles to use of land plots, extracts from the State Land Use Register;
- j) Shall suspend any kind of construction works, exploitation of mineral and peat deposits, exploitation of forest-melioration, prospecting, land survey and other activities if they violate the Land legislation;
- k) Shall decide on land arguments between claimants.

*Article 7. Jurisdiction of executive bodies (Hukumats) of the Mountain-Badakhshan autonomous region, regions, cities, and districts*

Jurisdiction of executive bodies of the Mountain-Badakhshan Autonomous Region, regions, cities and districts within their administrative boundaries of the covers the following land-related issues:

- a) Organization of system of land tenure conducting of land cadastre and land monitoring;
- b) Assignment of land for agricultural production;
- c) Assignment and confiscation of land for non-agricultural purposes;
- d) Protection of the rights of land users;
- e) Termination of rights of and use of land;
- f) State registration of rights for exploitation of land plots;
- g) State control over land use and land protection.

#### *Article 8. Jurisdiction of Jamoats*

The jurisdiction of Jamoats within the boundaries of a rural settlement covers the following land-related issues;

- a) Assignment and confiscation of land;
- b) Establishment and approval of the size of privately tilled household plots within the norms specified in the Article 71 of this Code;
- c) Registration of titles to land use and land-lease agreements;
- d) Keeping of household registers;
- e) Control over land use and land protection.

#### *Article 9. Land categorizing and re-categorizing*

Assignment of lands into one of the categories mentioned in the Article 3 of this Code and their transfers into another category will be responsibility of appropriate executive bodies in accordance with the Article 26 of this Code;

Violation of the rules of transfer from one land category into another established by this Code, other laws or normative acts gives enough grounds:

- a) To declare land-related decision of executive body's invalid;
- b) To refuse to issue and to register titles to land.

#### *Article 10. Land users*

In the Republic o. Tajikistan juridical and physical actors can act as land-users. Juridical and physical can be primary or secondary users of the land.

Primary land users are juridical and physical persons who have land plots either in tenure of lease unlimited duration or life-long inheritable tenure.

Secondary land users are juridical and physical persons who use plots of land on land-lease terms.

#### *Article 11. Land tenure of unlimited duration*

Land tenure is regarded unlimited duration when the terms of tenure have not been previously set by both partners.

Land tenure of unlimited duration shall be presented:

- a) To state and cooperative agricultural enterprises;
- b) To public and religious organizations (associations);

- c) To charity funds and other foundations;
- d) To state, cooperative and public enterprises and organizations in the sphere of industry, transport and other non-agricultural sectors;
- e) For defense purposes;
- d) To Joint Ventures, international associations and organizations established with the participation of foreign juridical persons in conjunction with local associates.

#### *Article 12. Life-long inheritable tenure*

Plots of land is assigned as life-long inheritable holdings to physical persons or groups of citizens to enable them to set up dehkan (private) farms or to take up other traditional trade.

Plots of land given as life-long inheritable holding are subject to obligatory re-registration in case of opening of inheritance.

#### *Article 13. Fixed-term land use*

Plots of land can be assigned for fixed-term time use to juridical and physical persons.

Fixed-term land use can be short-term (up to three years) and long-term (from three to ten years).

Plots of land can be assigned for fixed-term use only for public needs.

#### *Article 14. Land lease*

Primary land users can lease land plots under a rental contract.

Under the rental contract, a plot is leased out to the new tenant without any changes in the purpose of the plot.

Land can be leased out for a term of 20 years. The size of rent is stated in the contract. Plots of land in possession of land re-allotment funds and state land reserved can be leased out to dehkan (private) farms or agricultural enterprises for a term of 10 years.

#### *Article 15. State registration of titles to land use*

State registration of land titles and land use acreage is conducted by the Chief Land Department with the State Land Inspection and its local bodies. It includes:

- a) Entering into the land use register:

Information about the incoming land user; description of the land plot (land category, utilization purpose, type of primary farming land, the size of the plot, boundaries, cadastral number and other characteristics);

b) The official registration and issuing of titles to land use in accordance with the Article 17 of this Code; the title must bear the registration number and an attached plan or drawing of the plot boundaries.

The rights of juridical and physical persons to the use of the assigned land arises from the moment of official registration of land titles to land use.

The form of the land use registers, registration procedure and forms of standard documents, necessary for issuing of a title deed for to land use as approved by the Government of the Republic of Tajikistan.

#### *Article 16. Grounds for refusal to register a title to land use*

Official registration of a title to land use can be refused if:

a) There is no resolution of competent executive bodies about assignment of land;

b) The body in charge of official registration of title deeds has documentary evidence of land disputes involving the plot in question;

c) The purpose of the plot has been charged in defiance of the regulation stipulated in the Article 9 of this Code.

#### *Article 17. Ascertainment of the rights for land use*

The following land user's rights are attested:

a) The right to land tenure of unlimited duration, the right to a life-long inheritable land tenure and the right to fixed-term land tenure – by the State certificate- of the right for land use;

b) The right to issue land leases - by a rental contract. Information contained in the deeds to land tenure must correspond with the information entered into the land use register.

Documents indicated in the item «a» in the first part of this Article are to be registered according to the procedures described in the Article 15 of this Code.

Rental contracts are subject to State registration in the Land Use Register.

*Article 18. Inadmissibility of the land use prior to an official registration of the right to land use in Tajikistan*

It is prohibited to use the plot of land before a competent land registry office has staked off the boundaries of the plot and before a title to land use has been issued by the competent authority.

With permission of the district/town executive body (Hukumats) and in agreement with the Chief Land Department with the State Land Inspection and its local bodies, the assigned plot of land can be used for agricultural production during one year before all necessary documents are executed and the tenant right is obtained.

**Chapter 2. RIGHTS AND LIABILITIES OF LAND USERS**

*Article 19. Rights of primary land users*

Primary land users are entitled:

To manage the farm independently;

To own their agricultural produce and the sale proceeds from the land;

To use it in an established order for the needs of the farm the generally used natural resources, peat, forests, water facilities that piece of land places at their disposal and otherwise benefit from the useful qualities of the land;

To build houses and other structures that meets his production and cultural needs with due regard for the requirement of this Code;

To own crops and agricultural plantation;

To lease out the plot;

To be indemnified for losses stipulated in the Article 41 of this Code;

To waive voluntarily the land tenure.

*Article 20. Rights of secondary land users*

Secondary land users are entitled:

To use the land according to the conditions of assignment;

To use in an established order the generally used natural resources, peat, forest lands, water facilities that are situated on the plot as well as exploit the useful qualities of the land;

To be indemnified at the expiration of land tenure for the cost of land improvements brought about at their expense and responsibility.

### *Article 21. Liabilities of land users*

Land users are liable to:

Maintain use of land in accordance with its purpose and conditions of land assignment;

Utilize efficiently the assigned plot, applying land-protective technologies that will not deteriorate the ecological and environmental situation in the area;

Implement complex measures provided for in the Article 51 and 52 of this Code to ensure protection of land;

Pay land tax or rent/payment for fixed-term land use in time;

Non-violation of the rights of other land users;

Furnish of the appropriate executive bodies with required information about land condition and land utilization in time.

## Chapter 3. ASSIGNMENT OF LAND

### *Article 22. Land assignment procedure*

Plots of land shall be assigned as permanent or fixed-term holdings. As life-long inheritable holdings or they shall be leased out to juridical and physical persons according to the present legislation..

Land assignments follow decision of appropriate executive bodies in accordance with the Article 26 of this Code.

The Government of the Republic of Tajikistan establishes Land assignment procedures.

### *Article 23. Assignment of land plots for agricultural purposes*

Lands suitable for agricultural purposes in the first line are assigned to agricultural undertakings and dehkan (private) farms for agricultural production.

The Chief Land Department with the State Land Inspection determines fitness of Lands for agricultural purposes on the lands of soil studies, geo-botanical, hydro-meliorate, agro-economic and other kinds of agricultural research work.

### *Article 24. Assignment of land plots for non-agricultural purposes*

Lands that are not suited for agricultural purposes or of low-



quality farming lands with corresponding cadastral evaluation that is not higher than the average level in the district are assigned for construction of industrial enterprises, housing projects, railway, automobile, water and air transport, electric transmission lines, communications and pipe lines and for other non-agricultural purposes.

Lands that bear mineral deposits are assigned for construction purposes in agreement with the authorities in charge of mountain survey.

*Article 25. Assignment of land to foreign citizens, person without citizenship, foreign juridical persons*

To foreign citizens, persons without citizenship and foreign juridical person plots of land are assigned as time holdings.

Lands under special protection are not assigned to foreign citizens or persons without citizenship and foreign juridical persons and for entities.

*Article 26. Authority of appropriate executive bodies to assign land*

District (town) executive bodies that exercise administrative control over an agricultural area assign for permanent and time tenure or lease out plots of land from land reserves and farming lands, irrespective of the size of plots of land, whereas land plots for non-agricultural purposes shall be subject to a size limit of five hectares with the exception of land categories specified in Article 29 of this Code.

Regional executive bodies and executive bodies of the Mountain-Badakhshan Autonomous Region shall assign non-agricultural purposes and as permanent or time tenure plots of land up to 15 hectares from land reserve and farming land with the exception of those specified in the Article 29 of this Code.

The Government of the Republic of Tajikistan assigns for permanent and time tenure plots of land from all categories of land without any limitations to the size of the plots in accordance with the district, town and region executive bodies and Chief Land Department with the State Land Inspection.

Local land committees of Hukumats and Jamoats are established for more efficient and fair regulation of land relations. Their provisions are approved by the Government of the Republic of Tajikistan.

*Article 27. Transfer of land title*

If a building or any other facility on land changes its owner, the right to use the land shall be conveyed together with the buildings to the purchaser or inheritor.

*Article 28. Marking out and mapping of boundaries*

The boundaries of a plot are staked off on land with a greater precision in all cases when it is necessary to separate one piece of land from the others.

Preparation of plans, drawings and statures out of boundaries lies within the responsibility of the Chief Land Department with the State Land Inspection and its local bodies. The works are done at the expense or out of payment charged for land use.

*Article 29. Rules for sequestration of certain land categories for non-agricultural purposes*

It is unlawful to sequester valuable high-productive lands (crop-land, lap-land, perennial fruit plantations) pastures, haymaking and lands occupied by natural, cultural, historical and cultural and health objects for non-agricultural purposes. Withdrawal of these lands is sanctioned by the Government of the Republic of Tajikistan in special cases, such as: laying of water pipes and other mains, construction of settlement, for industrial projects and other important state projects.

*Article 30. Preliminary agreement about sequestration of land for non-agricultural purposes*

Enterprises, organizations and institutions, interested in assignment of land for a construction project apply to the appropriate body in charge with an application that shall state: the purpose of the project, the results of a feasibility test or any other necessary calculation as well as entitlement to land tenure.

The execute body in charge, acting on recommendations of the Chief Land Department with the State Land Inspection and its local bodies taking into account social, economic, ecological, city-building, and other conditions and perspectives of usage of the appropriate area and its bowels in accordance with the land user which takes a resolution about the advisability of accommodation of the object.

The resolution is the grounds for choice in an established order of the plot of land and the determination of its boundaries on the area and registration of an act about preliminary agreement on the place of the object by Chief Land Department with the State Land Inspection and its local bodies.

An appropriate executive body makes a resolution on approval of the act about preliminary agreement on the place of the object or about the refusal of accommodation.

A copy of the approved deed of preliminary agreement of the project's location shall be issued within ten days of its approval by the juridical and physical persons interested in this project; another copy shall be sent to the Chief Land Department with the State Land Inspection with The state Land Inspection. The resolution about approval of the deed shall serve as grounds for preparation of documents about sequestrate of land, for estimation of cost of agricultural losses.

If the projects are located in agreement with the general plans for building of towns or other settlement and these plans have been worked out and approved in an established order, the preliminary agreement on location of the projects is not necessary; the same applies to assignment of land for agricultural purpose; no preliminary agreement shall be necessary.

The resolution of the appropriate executive body about preliminary agreement on location of the projects shall serve as grounds for working out of project documentation and shall be valid for three years.

If the resolution about preliminary agreement on project's location is cancelled by the Court of Law/Economic Court, the executive body shall indemnify the juridical or physical person for the losses incurred during preparation of the documents that necessary to pass this resolution.

The project shall be financed after the decision of the executive body about preliminary agreement on sequestration of land has been submitted to the financing bank.

*Article 31. Conditions on which land is assigned for non-agricultural purposes*

Executive body in charge shall examine in established order and upon recommendation of the Chief Land Department with the State Land Inspections with the State Land Inspection documentation concerning assignment of land and its effective utilization and within a

month it shall take a resolution about conditions on which a plot of land can be assigned to prospective land users interested in construction projects.

Conditions for which a plot of the land will be assigned to new tenants for non-agricultural purposes shall provide for reimbursement of all losses caused by any sequestration of the plot by the former holders including adequate compensation for the agricultural losses.

Assignment of land shall be regarded as completed after the State deed to land tenure has been issued.

In case an assignment of plot of land has been refused to a juridical or physical person, the corresponding documented decision will be handed to this juridical or physical person interested in construction works within ten days of the approval of the decision.

In case the land refusing decision overrules a previously adopted resolution overviews any preliminary agreement, the juridical or physical persons in question can file an appeal against this decision to the Court of Law/Economic Court.

The construction project shall be financed upon presentation to financing bodies of the State deed to land tenure.

#### Chapter 4. PAYMENT FOR LAND

##### *Article 32. Paid land use*

In the Republic of Tajikistan payment is charged for use of land. Payment is raised annually in form of land tax, rent or as payment for fixed-term land use.

##### *Article 33. Rates, tax rules and rent*

Land tax, rent and payment for fixed-term use of agricultural lands shall be imposed with regard to the quality, location, and annual cadastral evaluation. The rate of payments for use other types of agricultural lands are determined with regard to location, manner of use, ecological and social-economic characteristics.

Calculation of the land tax or rent shall be based on the current price for a hectare of land. The hectare price shall be determined by Chief Land Department with the State Land Inspection with the State Land Inspection and approved by the Government of the Republic of Tajikistan. It shall be fixed and can be changed if taxes and tariffs are revised or state land cadastre materials have been specified.

#### *Article 34. Agencies-recipients of payment for land*

Land taxes and sums charged for fixed-term land use are paid to:  
a special account of district/town executive bodies (85% of the total amount of taxes);

a special account of the Chief Land Department With The State Land Inspection (15% of the total amount of taxes).

The rent shall be paid to the primary landholder according to the procedure described in the rental contract.

#### *Article 35. Land tax exemptions and benefits*

Questions related to land tax exemptions and benefits are regulated by the Law of the Republic of Tajikistan "On payment for land".

#### *Article 36. Utilization of payment for land*

Payment for land are used for financing land protection measures and raising soil fertility, development of virgin lands, for measures on rational and effective land utilization (including setting, restoring and making out of plot boundaries, mapping out of plans and drawings), keeping a state land cadastre, land monitoring, control over utilization and protection of lands and material stimulation of land users.

### Chapter 5. TERMINATION OF LAND TENURE

#### *Article 37. Grounds for termination of land tenure*

The right to use the whole plot of land or its portion shall be discontinued in the following cases:

- a) In case of refusal of the land plot;
- b) If land users discontinue their activities;
- c) Irrational use of the plot;
- d) If land is used contrary to the purposes stated in the documents confirming right of tenure;
- e) Use of technologies that can damage fertility of soil, lead to its chemical or radioactive pollution, deteriorate ecological situation; expiration, deteriorate ecological situation;
- f) The expiration of the term of assignment of the plot of land;
- g) Systematical default in payment of the land tax within the time limits established by the law of the Republic of Tajikistan;

- h) Non-use during one year of plot of land assigned for agricultural production and two years – for non-agricultural purpose;
- i) Confiscation/sequestering of land under this Code.

*Article 38. The grounds for termination of land lease*

Land lease can be terminated on the following grounds:

- a) on mutual declaration of intention of parties;
- b) in case of expiration of land lease;
- c) in case of death of leaseholder of the plot of land and absence of his heirs;
- d) reorganization and liquidation of primary land use;
- e) on violation of conditions of land lease, including on systematic non-payment of leasing fee;
- f) irrational use of land;
- g) use of land contrary to the purpose;
- h) use of technologies that can damage fertility of soil, lead to its chemical or radioactive pollution, deteriorate ecological situation;
- i) non-usage during one year of plot of land;
- j) confiscation/sequestration of land under this Code.

*Article 39. Termination of land use*

Decision about termination of land tenure - independent of the size and category of the plot in question - shall be made by district/town executive or representative bodies upon recommendation of the Chief Land Department With The State Land Inspection about advisability of further use of this land.

Plots of land subject to sequesterate shall be placed at the special land reserve of the district/town.

*Article 40. Procedures for forced termination of the land tenure right*

Forced termination of land tenure on the lands stipulated in the items 'c', 'd', 'e', 'f', 'g', 'h' of the Article 37 and items 'b', 'd', 'e', 'f', 'g', 'h', 'i' of the Article 38 of this Code shall be carried out in the following order:

- a) If any violation have been revealed, juridical and physical persons shall pay a penalty; the penalty shall be imposed by specially authorized state agencies that exercise control over utilization and protection of land (Article 35 of this Code) within their jurisdiction and in

accordance with legislation of the Republic of Tajikistan;

b) At the same time, the penalty-imposing agencies named in the item "a" of this Article shall warn the tenant to rectify violations. In case of default of payment, the state fiscal authorities shall give the warning.

If violations have not been rectified, specially authorized state agencies that exercise control over utilization and protection of land shall submit a proposal to the district/town executive body that this tenant's rights should be suspended.

If the landholder disagreed with termination of his rights of tenure, he is entitled to apply to the Economic Court. In this case the fact of termination of tenure shall not be officially registered until the Economic Court has rendered its decision.

## Chapter 6. REIMBURSEMENT OF LAND USERS AND INDEMNIFICATION OF AGRICULTURAL LOSSES

### *Article 41. Reimbursement of land users*

Fully reimbursed are losses - including loss of profit - caused by:

- a) Sequestrate of land for non-agricultural purposes;
- b) Infringement of land users' rights;
- c) Deterioration of land through other landholders' activities.

Losses shall be indemnified at the expense of juridical and physical persons that benefit from sequestrate of land or from limitations on tenants' rights as well as at the expense of those juridical and physical persons whose activities made it necessary to establish protective and sanitary zones and involved limitations on tenant's rights or deterioration of their land.

### *Article 42. Indemnification of agricultural losses*

Agricultural losses shall be indemnified by:

- a) Juridical and physical persons who are granted farming lands for non-agricultural purposes;
- b) Juridical persons for whom protective and sanitary zones are established, with the exception of cases provided for in the Article 89 and 90 of this Code.

Agricultural losses shall be indemnified within three months action restored.

*Article 43. Calculation of damages to land users and agricultural production*

When calculating losses suffered by land users, one should use actual prices for equipment and materials and tariffs for construction and erection works charged at the moment of confiscation of the plot or at the moment of drawing of confiscation report.

When calculating damages done to agricultural production, one should use standard costs of cultivation of virgin lands and improvement of acting lands with the purpose of agricultural production in the volume not less than one got from sequestered lands or from them until the decreasing of their quality.

Disputes about the size of reimbursement and losses of agricultural production shall be settled in court.

Procedure for indemnification of agricultural losses shall be established by the Government of the Republic of Tajikistan.

*Article 44. Utilization of indemnified means received from payment of losses of land users and damages caused to agricultural production*

Sums of money paid to cover the land-user's losses shall be transferred to the land user's bank account.

Sums of money paid to repair the damages to agricultural production shall be transferred to the special account of the Chief Land Department with the State Land Inspection with the State Land Inspection.

The above mentioned proceeds shall be used to conduct:

Land management;

Development of virgin lands;

Land amelioration;

Capital planning, as well as other land-improving operations on virgin lands;

Compiling of technical documentation in support of the above-named activities.

*Article 45. Exemption from compensation of agricultural losses*

Damages to agricultural production shall not be repaired if the plot of land was reassigned:

To physical persons as privately tilled household plot;



To serve as a cemetery;

For water projects and land-improvement projects directed at development of virgin land or reconstruction of irrigation and damage system.

For schools, boarding schools, children's home and health institutions.

## Chapter 7. PROTECTION OF THE RIGHT TO HOLD LAND AND SETTLEMENT OF LAND DISPUTES

### *Article 46. Ways of protection of tenant rights*

Violated or contested rights of land tenure shall be protected by the means stipulated by civil legislation, the present Code and other laws including by means of :

- a) acknowledgement of the right to hold land;
- b) putting a ban on interference of the state or other landholders into activities of a certain land user, with the exception of the cases when there was a breach of the Land Law;
- c) enumerating of all cases when the right to hold land can be discontinued or limited by the state in the text of the Law;
- d) providing legal protection of land user's rights against suspension, stoppage or limitations in the Law for security of tenure and by guaranteeing.

### *Article 47. Settlement of land disputes*

Land disputes emerging from land relations are considered by the Chief Land Department with the State Land Inspection with the State Land Inspection of the Republic of Tajikistan and its local bodies according to the requirements of the present Code. In case of non-fulfillment of the decree of the Chief Land Department with the State Land Inspection with the State Land Inspection of the Republic of Tajikistan and its local bodies it has the right to present materials for consideration to investigation agencies.

Physical and juridical persons who disagree with the decree of the land committee can appeal against it in the court.

### *Article 48. Safe-guarding of tenant right*

The assigned plots of land can be sequestrated from physical

persons for state or public needs :

- a) after another equivalent plot of land has been assigned (if desired);
- b) if instead of sequestered plots of land with housing and industrial buildings other equivalent buildings with similar purposes have been built by benefiting enterprises or organizations;
- c) after full compensation of all other losses, including loss of profit, according to the Article 41 and 42 of this Code.

Assigned plots of land shall be sequestered from any juridical persons for state and public needs on condition that:

- a) instead of sequestered housing, industrial, irrigation or other constructions, other equivalent constructions are built (if desired);
- b) all other losses, including loss of profit, are fully reimbursed, according to the Article 41 and 42 of this Code.

#### *Article 49. Acknowledgement of tenant rights*

Tenant rights shall be acknowledged by the local Land Committee by way a pronouncing a juridical decision establishing tenant rights.

The judicial decision establishing tenant rights serves as a legal basis that obliges the Chief Land Department with the State Land Inspection With The State Land Inspection to issue land tenure confirming documents with attached plan or drawing of the plot.

#### *Article 50. Restoration of violated tenant rights*

The violated right is to be restored:

- a) if the corresponding Deed is declared invalid by the local body of Chief Land Department with the State Land Inspection because it contradicts with the Law and violates tenant rights and interests protected by the Law;
- b) in case of unauthorized occupation of the plot;
- c) in other cases stipulated by the Laws and other normative and legal deeds of the Republic of Tajikistan.

### Chapter 8. PROTECTION OF LAND

#### *Article 51. Purpose and goals of land protection*

Protection of land includes a system of legal, economic and other measures, aimed at protection and rational use of land, conversation of

soil, prevention of land degradation and withdrawal of the most valuable lands from agricultural turnover.

Farming lands are complex natural phenomena (ecosystems); land protection measures allow for this fact as well as take into account regional and zonal specific features of soil. The purposes of land protection is:

To prevent degradation and destruction of land and other unfavorable consequences of economic activities;

To bring about improvement and to restore lands affected by degradation and destruction processes;

To create a mechanism of land registration and land ecological control;

To furnish the land users with ecological norms approved in the order, stipulated by the Government of the Republic of Tajikistan.

*Article 52. The content and sequence of land conservation measure*

Land users provide for:

Rational organization of territory:

Restoration of soil, increase in soil fertility and improvement of other soil characteristics;

Protection of soil against water and with erosion, mud flows, floods, swamping, compaction, making soil greasy, pollution with waste products, chemical and radioactive materials and against other destructive processes;

Protection against overgrowing of farming lands with coppice and against other processes that deteriorate cultural and technical condition of soil;

Re-cultivation of destroyed lands, restoration of soil fertility and of other useful qualities of land, well-timed involvement of lands into agricultural turnover;

Removal, utilization and conservation of the fertile soil layer during soil layer during soil restoration works.

If it is impossible within a short period of time to restore soil fertility of degraded farming lands polluted with chemical and radioactive materials, above permissible concentration, these lands are to be conserved in accordance with procedures established by the Government

*Article 53. Ecological requirements for siting projecting, construction and launching of projects, buildings and structures that influence the condition of soil*

It is necessary to implement land conservation measure and to meet ecological, sanitary, hygienic and other special requirements (norms, rules, standards) when siting, projecting, building and putting into operation new or reconstruction projects, building, structures or when introducing new technologies which could harm land.

It is prohibited to put into action new projects or use technologies that do not provide for protective measure against land degradation and destruction.

Siting of projects which might influence the condition of soil shall be coordinated with district land committee, authorities in charge of rational land use and protection, architect or other agencies in accordance with procedures established by the Government of the Republic of Tajikistan.

*Article 54. Economic encouragement of rational use of land and land protection*

Economic stimulation of rational use and protection of land aims to make landholders more interested in conservation and regeneration of soil fertility and in protection of land from negative aftereffects of industrial activities. Economic stimulation includes:

a) appropriation of funds from Republican and local budgets as well as the use of sum, coming as penalties to the special accounts of land restoration, which are not destroyed by land-users, or for conducting agro-technical, forest melioration and other soil actions;

b) exemption from payment for plots of land, being in development or improvement stage for a period of time foreseen in the project in question;

c) granting of soft loans for land-improvement activities aimed at better land utilization;

d) partially budgetary indemnification for drop in landholders' profits caused by temporary conservation of plots - in case the landholders bears no guilt for the damage caused to the land;

e) incentives to improvement of land quality, increase in soil fertility and higher productivity of state forest fund, production of ecologically pure agricultural products.

## Chapter 9. STATE CONTROL OVER THE OBSERVANCE OF LEGISLATION ON LAND UTILIZATION AND LAND PROTECTION

### *Article 55. Bodies implementing state control over land utilization and land protection*

State control over land utilization and land protection is implemented by the Chief Land Department with the State Land Inspection With the State Land Inspection and its local bodies and by the Ministry of Protection of Natural of the Republic of Tajikistan.

Procedure of control over compliance with the Land Law, verification of land utilization and land protection and distribution of functions between various state control agencies and their provisions are established by the Government of the Republic of Tajikistan.

### *Article 56. Tasks of the state bodies exerting control over observation of the law, land utilization and land protection*

Task set before the state bodies monitoring observation of the land law, land utilization and land protection include enforcement of execution of land legislation, observance of special requirements (norms, rules, standards), ensuring implementation of rational land use and land protection measures by all. landholders, state bodies, juridical persons (irrespective of their subordination and forms of property), by through government officials and citizens.

## Chapter 10. LAND MANAGEMENT STATE LAND CADASTRE AND LAND MONITORING

### *Article 57. Purpose of land management*

Land management includes a system of measures aimed to enforce the Land Law, decisions of the state legislative and executive bodies about rational utilization of land protection , conservation of soil, prevention of soil degradation, creation of favorable ecological environment and improvement of natural landscapes.

### *Article 58. The main objectives of land management*

The main objectives of land management are:

- a) to plan and to organize rational use of lands, irrespective of forms of land utilization;
- b) to ensure conformity with the purpose of land and conservation of productive lands;
- c) to work out a package of measures to develop virgin lands, to improve the existing arable agricultural lands, to conserve and increase fertility of soil, to maintain stable natural landscapes and to protect lands;
- d) to survey and to measure land, to set/restore, to stake off and to secure the administrative-territorial boundaries and the boundaries of separate holdings in one single state system.

### *Article 59. The content of land management*

Land management ensures:

- a) development of Republican and regional land-utilization and land protection programs, land managerial layouts covering all town-planning, ecological, economic and other characteristics of the territory in question;
- b) land surveying accompanied by institution/restoration and making out of administrative-territorial boundaries; technical execution of these activities;
- c) drawing up of new projects, bringing order into existing land holdings by eliminating defects in location of some plots;
- d) boundary-setting, assignment of lands, drawing of plans of land plots, preparation of deeds to landholding;
- e) drawing up of inter-farms and other projects directed at rational land utilization and implementation of the land-use and land-protection related projects;
- f) drawing up of working projects aimed at re-cultivation of damaged lands, soil protection against water and wind erosion, against mud flows, landslides, floods swamping, fogging up, drying up, thickening, making land soiled, pollution with waste products, chemical and radioactive materials, improvement of farming lands, development of virgin lands, conservation of soil and raising soil productivity;
- g) donating and extending land for designation of territories with special regime (territories under special protection, wild-life preserves, recreation and health reserves, historically interesting areas); setting of the

boundaries of these territories;

h) setting and changing of the boundaries of a town, settlement or village;

i) execution of topographic, land-surveying, cartographic, soil-study, geo-botanical and other research works;

j) taking inventory of all lands and systematical identification of unused, irrationally used lands, and land used contradicting their purpose;

k) drawing of cadastre and subject maps and atlases on land situation and utilization of land resources;

l) conduction of land assessment;

#### *Article 60. Organization and methods of land management*

The Chief Land Department with the State Land Inspection with the State Land Inspection and local bodies conducts Land management works.

Land management is financed by land management agencies out of land proceeds; functions and setup of these agencies are defined in the regulations about the responsibilities of the Chief Land Department with the State Land Inspection with the State Land Inspection approved by the Government of the Republic of Tajikistan.

Land management activities can be also conducted at the expense of land users and at their wish during land allotment, boundary setting, drawing of plot plans and other land management related activities.

Land management activities are conducted with the participation of interested landholders.

#### *Article 61. The contents and purpose of state land cadastre*

State land cadastre is indissoluble unity of the automated system of land cadastre information and land-cadastre process.

The purpose of the state land cadastre is to receive reliable information about natural, legal and economic environment of lands of the state land reserves.

State land cadastre contains information about land that can be useful for rational land utilization and protection for regulation of land relations, grounds for land pricing, land-management evaluation of agriculture and other economic activities. State land cadastre represents one of the ways of control over united national land reserve of the Republic.

State land cadastre is kept by the Chief Land Department with the State Land Inspection with the State Land Inspection and its local bodies according to a unified system equally binding for all cadastre offices throughout the Republic and out of the proceeds from land taxes and other land-related payments.

Methods of keeping state land cadastre are established by the Government of the Republic of Tajikistan. Authorities and Government officials of state land cadastre shall safeguard the authenticity of all cadastre documents and place them at the disposal of all interested juridical persons.

#### *Article 62 Land- cadastre process*

The aim of the land-cadastre process is to renew land cadastre information on periodical or continuous basis.

Land-cadastre process includes:

- State registration of used land;
- Quantitative and qualitative land statistics;
- Soil assessment;
- Economic lands evaluation.

Land-cadastre process provides for air-cosmic topographic, land surveying, cartographic, soil-examining, geo-botanical, meliorate and other forms of research.

#### *Article 63. Land monitoring*

Land monitoring means systematic control (in the form of surveying, research, and examination) over condition of lands, identification of changes and their evaluation.

Objects of land monitoring are:

a) timely identification of changes in land condition, their evaluation forecasting, working of recommendations for their prevention or elimination of negative aftereffects;

b) information supports for: state land cadastre process, rational land use, rational land management, control over land utilization and land protection and other functions within the state management of land-resources of the Republic of Tajikistan.



## Chapter XI. FARMING LANDS

### *Article 64. Concept and composition of farming lands*

All lands used for needs of agriculture are regarded as farming lands.

Farming lands consist of lands used for agricultural production.

There are agricultural lands, lands occupied by inter-farm roads, communications, water storage reservoirs, buildings and construction, used for production purposes, storage and primary processing of agricultural production among farming lands.

Land used for agricultural production consist of arable lands, lands under perennial plantations, meadows and pastures.

### *Article 65. Assignment of farming lands*

Farming lands are assigned:

To citizens, collective farms, state farms, other agricultural, state, cooperative and public enterprises and organizations - for sale-oriented farming;

To cooperative societies of citizens - for a collective gardening and truck-farming;

To citizens - for private subsidiary farming;

To scientific agricultural research, organizations, agricultural educational institutions, other agricultural enterprises, and organizations, to vocational and general schools for research and educational purposes, extension of advanced agricultural experience and for farming;

To non-agricultural enterprises, organizations and agencies, to religious organizations - for subsidiary farming.

### *Article 66. Dehkan (private) farms*

Citizens of The Republic of Tajikistan who have expressed a desire to engage in farming as farmers, are granted land plots as lifelong in inheritable holdings.

Citizens already engaged in farming are entitled to take on lease additional plots for agricultural purposes.

The right of priority to reception of the land plots given to citizens being the members of collective farm or the workers state economy, in the age of from 18 up to 60 years old.

In cases, where the number of people wishing reception of the

land plots exceeds quantity of the selected land plots, the district land committee considers the problem on granting the land plots on life inherited use on the basis of experience of conducting of economy of each of the candidates. The candidates with the greatest experience receive land first of all.

The particular sizes of the land plots of citizens conducting dehkan farming, will be determined by local land committee taking into account quality, presence of irrigating water, arrangements of the land plot in conformity with road and other respective agricultural services with the purpose of achievement of the greatest possible equality in common conditions of the land plots.

Citizen conducting dehkan (private) farm, has the right to erect on the land plot subsidiary premises on the area no more than 0,03 hectares, if the area of his land plot makes more than 1 hectare.

*Article 67. Land allotment procedures with regard to dehkan (private) farm*

Land shall be assigned to prospective small-holders by local bodies on chief on the basis of submitted applications.

The application must contain information about the purpose for which the plot of land is applied and its assumed sizes and location.

Upon recommendation of the District Land Department with the State Land Inspection, district executive body ensures preparation of the necessary land management documents and adopts a resolution on the matter in question within a month period.

If district executive body refuses to assign a plot of land the decision of executive body can be appealed against in court likewise, citizens can take actions against Government officials who violate their right to be assigned a plot of land for agricultural purposes, including concealment of the information about available land resources.

*Article 68. Peculiarities of organization of dehkan farms by the workers of the state and cooperative agricultural enterprises*

Land of state farms (with the exception of experimental, research, and school farms, plants nurseries and seeds elite growing farms) and lands of cooperative farms shall be divided into conditional shares between regular members of collective bodies; these shares guarantee every worker a personal right to use a plot of land being at the same

time member of a collective farm.

The size of each share shall be determined by the district land committee and shall be documentary recorded.

If a citizen succeeds from a state or cooperative agricultural enterprise for conduct of dehkan farm, he submits the application to local land committee.

The application is to be examined within a month period and local land committee takes a resolution.

Applications submitted by citizens, decisions of local land committee are transferred in a district body of the executive authority for preparation by land committee of the land tenure regulation case on withdrawal and granting of the land plot. The district body of the executive authority in a month's time considers given land tenure regulation case and take the appropriate decision.

If terms of consideration and taking the decision on this question are broken culprits bear the sore responsibility according to the present legislation of the Republic of Tajikistan.

In the citizens are refused a plot of land, they file a claim with a Court of Law.

#### *Article 69. Indemnification right of citizens conducting dehkan farm*

In case of the termination of activity of dehkan (private) farm or transfer of the rights of use of the land plot to other physical or legal person in accordance with the decision of local land committee, land user has the right on reception from the physical or legal person complete indemnification of all expenses under crop, as well as expenses for improvement of quality of land.

#### *Article 70. Transfer of the right of usage by the land plot*

The citizen conducting dehkan (private) farm, in case if after a two-year period from time of granting land in life inherited usage, wish to stop agricultural activity, can transfer the right of usage of the land plot to any person or group of the persons according to the order established by the present Code. The members of dehkan (farmer) association, into which given dehkan (private) farm enters, have the primary right on usage of the land area. By transfer of the right of usage the land plot is carried out renewal of the Certificate on the right of usage of land according to conditions established by the present Code.

#### *Article 71. Granting of lands for conduct of the household farm*

Every rural citizen can be assigned a household plot for subsidiary household farming. The size of the plot on irrigated land amount is not more than 0,15 ha, on non-irrigated land is not more than 0,25 ha, including the land under structures and yards; in virgin and mountain districts its amount is not more than 0,40 ha.

The specific size of plots of subsidiary household farming within the limits of the specified norms is determined taking into account the land fund of every land user.

Procedure of assignment of subsidiary household plots is established by the Government of the Republic of Tajikistan.

#### *Article 72. Assignment of land plots for collective horticulture*

Land plots for collective gardening and truck farming collective are assigned to cooperative societies out of the lands, which previously have not been used in agricultural manufacture. Plots of land are assigned to cooperative societies for collective horticulture at the rate of 0,06 hectares per member of the cooperative society. Procedure for assignment of plots for collective horticulture is established by the Government of the Republic of Tajikistan.

#### *Article 73. Conditions for changing of plot boundaries and plot size*

Changing of borders and sizes of land tenure of the agricultural enterprises, institutions, organizations at integration or break up into smaller units of farms is carried out according to the number of the workers on the basis of the decision of general meeting or assembly of the representatives according to the projects of the land tenure regulation, which is affirmed by a district (urban) body of the executive authority and is fixed by the Certificate on the right of land use.

#### *Article 74. Location of objects of inter-farm construction*

The objects of inter farm construction of the agricultural enterprises are placed according to the authorized circuit of the land tenure regulation, projects of inter-farm land tenure regulation or projects of lay-out and building of the village settlements.

Location of objects for inter-farm construction on lands specified in the Article 29 of the present Code, is allowed only in the special cases

according to the decision of the Government of the Republic of Tajikistan.

Procedure of granting of the land plots for inter-farm construction is established by the Government of the Republic of Tajikistan.

*Article 75. Procedures and terms of allotment of lands for agricultural purposes*

Land for agricultural purposes are given in conformity with inter-farm land tenure regulation to the physical and legal persons with consent of land users according to the present Code.

The granting the lands of agricultural purpose to the agricultural enterprises is carried out in borders, convenient for economic activity. Open-field system, wedging and other defects of their land tenure are not admitted.

Open-field system, wedging and other defects of land tenure of the agricultural enterprises will be eliminated by mutual agreement between affected agricultural enterprises by the Chief Land Department with the State Land Inspection with the State Land Inspection of The Republic of Tajikistan and its local bodies in conformity with inter-farm land tenure regulation.

The land plots for conduct a village part-time farm are given to the non-agricultural enterprises, institutions and organizations, as well as religious organizations with the purpose of manufacture of agricultural products for supply of the workers and employees of specified enterprises, institutions and organizations, supply of restaurants of schools, children's institutions, hospitals, houses for aged and invalids, sanatoriums, houses of rest.

## Chapter XII. LANDS OF THE SETTLEMENTS

*Article 76. Lands of cities, settlements and village settlements*

Lands within the limits of city, town or village settlements are regarded as lands of city, town or village settlement .

The boundaries of cities, settlements and village settlements are established and changed by the Majlisi Oli of the Republic of Tajikistan upon joint recommendation of architectural agencies and Chief Land Department with the State Land Inspection with the State Land Inspection of the Republic of Tajikistan, authorized by the appropriate

bodies of the executive authority.

The inclusion of the land plots in a city boundaries, settlements or village settlements does not attract the termination of the right of usage by these plots' former land users.

#### *Article 77. Composition of lands of the settlements*

Into composition of lands of the settlements the following lands are included:

a) lands of dwellings and public building – lands meant for or already built with dwellings, public-amenities, administrative, religious and other buildings and structures;

b) lands for general use – lands occupied by squares, streets, roads, parks, water basins, and other lands intended for needs of the population;

c) lands of industrial and municipal and storage buildings; lands occupied by industrial, municipal and storage facilities;

d) lands for transport, communications and mains; lands occupied by railway, automobile, river, air transport and pipelines, highways of engineering infrastructure and communication;

e) conservation lands, health-improving and recreation lands, lands of historical or cultural value; lands occupied by monuments of nature, forest, natural and dendrological parks, botanical gardens, natural preserves, valuable landscapes, lands with natural medical properties (mineral sources, mud, etc.), and with favorable climatic conditions suitable for prophylaxis and treatment of illness and therefore recommended and used as recreation and tourism resorts; lands occupied by historical and cultural monuments, places of interest;

f) lands of water basins and water areas; rivers natural and artificial reservoirs and water areas, water-preserves, hydro-engineering and other water-economy facilities;

g) lands used for agricultural purpose;

h) lands of military institutions, lands under special regime and other lands.

#### *Article 78. Lands of suburban and green zones*

Lands outside the boundaries of a city that serve as a territorial reserve for the growing city and a place for location and constructions of facilities necessary for improvement and normal functioning of municipal services; lands occupied by forests, wood-parks

and other shade-tree plantations, performing protective and sanitary-hygienic functions and serving as recreation places- these type of lands are regarded as suburban and green zone of a city.

*Article 79. Procedure for establishing suburban and green zones*

Suburban and green zones, their size, boundaries and procedure of use are established by the decision of the Government of the Republic of Tajikistan.

Inclusion of the land plots into a suburban or green zone does not entail their withdrawal, landholders retain their right to these plots.

*Article 80. Protection of lands in suburban and green zones*

Lands in suburban and green zones are subject to the special protection. Building and structures with other functions than protective, sanitary and hygienic and purposes other than recreation of the population is prohibited.

**Chapter XIII LANDS FOR INDUSTRIAL, TRANSPORT, COMMUNICATIONS, DEFENSE AND OTHER PURPOSES**

*Article 81. Industrial lands*

Lands assigned for industrial enterprises, institutions and organizations for construction, industrial manufacture, as well as for economic and other purposes are considered as industrial land.

*Article 82. Land for extraction and exploitation of minerals*

Plots of land are regarded as lands for extraction and exploitation of minerals, assigned to enterprises, institutions and organizations for implementation of the tasks entrusted to them; the said enterprises, institutions and organizations must have title-deeds to mountain pots issued in accordance with the regulations about the use of earth-bowels.

The enterprises, institution and organization conducting mineral-extraction and exploitation works should not admit infringement of the rights and lawful interests of neighboring landholders and to accept all necessary measures to protect lands and guarantee their correct use.

*Article 83. Termination of the right to use a plot of land issued  
mineral extraction*

With the termination of right of the mining on the lands specified in the regulations about the use of earth-bowels, the right of an enterprise to use the allotted land shall be terminated.

*Article 84. Transport lands*

Lands assigned for needs of appropriate type of transport, for maintenance, reconstruction, development and modernization of communication routes, are regarded as transport land.

These lands are subdivided into lands of automobile, railway, water and air transport.

*Article 85. Lands of main pipelines*

Lands of main pipelines(gas lines, oil lines) are plots of land assigned to pipeline- enterprises, institutions and organizations to install control boxes, compressor stations and other facilities that guarantee normative maintenance of pipelines in compliance with technical projects.

Enterprises, institutions and organizations, that were given strips of land along the main pipelines for fixed term use, are bound to bring these strips of land into the former state after construction works have been finished.

*Article 86. Lands of communication, radio installation and  
electricity transmission lines*

Lands of communication, radio installation and electricity transmission lines are lands given to the enterprises, institutions and organizations responsible for maintenance of these lines; the said enterprises can use the assigned land to build supports for air communication lines, radio installation and electricity transmission lines to construct buildings, structures and other facilities in conformity with the technical projects and norms.

*Article 87. Lands for the needs of defense*

Lands for needs of defense are lands given for stationing of troops and their permanent activities, for military institutions,



educational establishments, enterprises and organizations of the Military Forces of the Republic of Tajikistan, border troops and internal security troops.

#### Chapter XIV. CONSERVATION LANDS, LANDS USED FOR HEALTH-IMPROVEMENT AND RECREATION PURPOSES, LANDS OF HISTORICAL AND CULTURAL VALUE

##### *Article 88. Conservation lands*

Conservation lands include lands of preserves, national and dendrological parks, botanical gardens, reserves (with the exception of those where hunting is allowed), natural monuments.

On the specified lands any kind of nonconforming activities is prohibited.

In order to guarantee the appropriate status to preserves, national and dendrological parks, botanical gardens, reserves (with the exception where hunting is allowed), natural monuments it is necessary to establish conservation districts; any kinds of activities that can harm the special regime of these lands shall be prohibited.

Procedure for the use of health improvement lands are determined by the Republic of Tajikistan.

##### *Article 89. Health-improvement lands*

Health improvement lands are lands with natural medicinal properties (spas, mud, climatic and other conditions), favorable for health-improvement and medical treatment.

Lands of health resorts are subject to the special protection. In order to protect their natural medicinal properties, all health resorts have sanitary protection areas. Land-holders, whose plots fall within these sanitary protection areas, shall retain their plots. Within the protected lands it is prohibited to lease out plots of land to enterprises, institutions, organizations, if their activities are incompatible with aim of conservation of natural medicinal properties and favorable recreation conditions of the said district.

Procedure for the use of health-improvement lands are stated by the legislation of the Republic of Tajikistan.

#### *Article 90. Recreation lands*

Lands meant for and used for organized mass recreation and tourism are regarded as recreation lands.

Recreation lands include land plots for holiday homes, sanatoriums, camping sites, tourist centers, permanent and tent tourist camps, houses for fisher and hunter, children's tourist centers, parks, young pioneer and sports camps situated outside health improvement lands.

Any kinds of nonconforming activities are prohibited on recreation lands.

Procedure for the use of the specified lands is determined by the legislation of the Republic of Tajikistan.

#### *Article 91. Lands of historical and cultural value*

Lands of historical and cultural value include lands of historical and cultural reserves, memorial parks, burials, archeological monuments.

Any kinds of nonconforming activities are prohibited on these lands. Procedure for the use of the specified lands is determined by the legislation of the Republic of Tajikistan.

### **Chapter XV. LANDS OF THE NATIONAL FOREST RESERVES**

#### *Article 92. Lands of the national forest reserves*

Lands of national forest reserves are lands covered with forests, but also non-forest covered lands, allotted for needs of forests.

Lands of the national forest reserves are to be practically separated from other land categories by boundary marks of specified kind.

#### *Article 93. Use of lands of the national forest reserves*

Lands of the national forest reserves are used in line with their main purposes for conducting forest husbandry and for the needs of the national economy.

Lands of national forest reserves are used in forest husbandry (forest-planting, reforestation, etc.) and in form of procurement of the bounties of nature by forests and other state and public organizations,

enterprises and institutions, that have been allotted portions of said land so that they can perform their tasks.

*Article 94. Assignment of lands of national forest reserves and for the needs of agriculture*

Forest lands which are not used for the needs of forest husbandry or industrial wood husbandry shall be assigned according to the decree of the Government of the Republic of Tajikistan for the agricultural purposes as time holdings to the agricultural enterprises in accordance with procedure stipulated by the present Code.

Payment for the lands of the national forest reserves is included in payment for use of forests.

Procedure for the use of lands of national forest reserves is determined by the legislation of the Republic of Tajikistan.

Chapter XVI. LANDS OF THE NATIONAL WATER RESOURCES  
(FUND)

*Article 95. Lands of the national water resources*

Lands of the national water resources include lands occupied by water basins, glaciers, water from melted snow swamps, hydro engineering and others water facilities as well as strips of land along water basins and main or inter-farm channels and collectors.

*Article 96. The purpose and use of the lands of national water resources*

Lands of the national water resources are used to maintain rational utilization of all water reserves for the purposes of water reserves, for the purposes of water economy, fish and forest husbandry and for the needs of other sectors of national economy, water transport, research works and other purposes.

On the lands of national water resources shall be lawful:

To build constructions that are meant to satisfy the needs of the population for drinking and household water and the needs of the national economy for water;

To erect and reconstruct hydro-technical facilities for water conveyance to arid areas and for irrigation of arable lands;

To construct riverbank-protecting facilities, anti-flood barrages

and dams, and other facilities that prevent or eliminate harmful effects of water,(floods, inundation, swamping, soil making soil greasy gulling, landslides, mud flows and etc.);

To use strips of the land along rivers for truck forming and other agricultural purposes.

Procedure for the use of national water resources lands is determined by the legislation of the Republic of Tajikistan.

*Article 97. Restrictions on the use of allotment lands along reservoirs*

Erection of earthen or other constructions which obstruct the use of water resources according to their purpose shall be prohibited along reservoirs.

*Article 98. Protective zone of lands of the national water resources*

Protective zones are established in order to ensure the necessary sanitary conditions of drinking and household water and of water used for medical, recreation and health improvement needs of the population.

The size of protective zones is established by the legislation of the Republic of Tajikistan.

Chapter XVII. LANDS OF THE NATIONAL RESERVE

*Article 99. Lands of the national reserve*

Lands of the national reserve are made up by the lands that were not allotted for permanent use. Apart from this, they include lands the right of use of which is regarded as terminated in accordance with the Article 37 of the present Code, and lands of the special land reserve.

Lands of the national reserve are under the jurisdiction of district Hukumats and shall be allotted mainly as tenement lands for agricultural purposes.

*Article 100. The purpose of the national reserve lands*

Lands of the national reserve build a land reserve for agricultural manufacture, industry, transport and other needs of the national economy.

## Chapter XVIII. RESPONSIBILITY FOR INFRINGEMENT OF THE LAND LEGISLATION

### *Article 101. The responsibility for infringement of the land legislation*

The autocratic exchange of the land plots is void.

The responsibility for infringements of the land legislation is stipulated by the present legislation of the Republic of Tajikistan.

### *Article 102. Assignment of exacting means, from the violators of the land legislation*

Sum of the penalties which have arrived from the juridical and physical persons, are enlisted on special accounts of bodies specified in the Article 55 of the present Code, and are used according to special-purpose designation on:

- a) development of virgin lands for agricultural area, restoration and increase of fertility of soil;
- b) restoration of degradation area, re-cultivation of the polluted and broken lands and other measures on improvement of lands;
- c) protection of lands and other natural resources;
- d) realization of land estimation works and works on inventory of lands;
- e) realization of land cadastral works;
- f) realization of lands tenure regulation works;
- g) material and technical provision of bodies carrying out state control on use and protection of lands;
- h) material stimulation of the workers of bodies carrying out state control on use and protection of lands.

### *Article 103. Restoration of boundary marks*

The people guilty of destroying or damaging boundary marks, shall be made answerable for their actions. Apart from this, they shall restore the destroyed boundary mark at their own expense and submit it to the Chief Land Department with the State Land Inspection with the State Land Inspection of the Republic of Tajikistan.

#### *Article 104. Return of autocratically engaged land plots*

Autocratically engaged land plots are returned in accordance with their belonging without compensation of expenses, made during illegal usage. Land plots shall be brought in to appropriate condition including demolition of structures at the expense of the enterprises, institutions, organizations and citizens autocratically occupied the land plots.

Land occupied without authorization shall be returned pending upon the decision of district (urban) body of the executive authority.

### Chapter XIX. INTERNATIONAL AGREEMENTS

#### *Article 105. The international agreements*

If the international agreement of the Republic of Tajikistan establishes other rules, than those containing in Land Code of the Republic of Tajikistan, the rules of the international agreement are applied.