

**REGULATION**  
**ON THE ORDER OF COMPENSATION TO LAND-USERS THE**  
**LOSSES AND LOSSES OF AGRICULTURAL (WOOD-ECONOMIC)**  
**MANUFACTURE, CONNECTED TO WITHDRAWAL OF LANDS FROM**  
**AGRICULTURAL TURNOVER AND WOOD-ECONOMIC USE**

**1. GENERAL PROVISIONS**

1.1 The present Regulation is worked out according to Articles 127-131 of Land code of the Republic of Tajikistan and establishes the order of compensation to land-users for the losses incurred and losses of agricultural (wood-economic) of manufacture connected with withdrawal agricultural and wood area for state and public needs on territory of republic.

1.2. The definition of the losses of land-users and losses of agricultural (wood-economic) manufacture connected with withdrawal of the land areas for state and public needs, is carried out at a stage of the preliminary coordination of the location of object and is specified at registration of allotting of the land area.

**2. INDEMNIFICATION TO LAND-USERS**

2.1. The losses caused by withdrawal or temporary employment of the land areas, as well as restriction of the rights of land-users, including tenants, or deterioration of quality of lands as a result of influence caused by activity of the undertakings, institutions, organizations and citizens are subject to compensation in complete volume (including the missed benefit) land-users, including tenants who have incurred these losses.

2.2. To compensation are subject:

Cost of apartment houses, objects of cultural-household purpose, industrial and other buildings and structures;

Cost of fruit-berry, protective and other perennial plantings, grown by farms;

Cost of the uncompleted manufacture (plough, applying of fertilizers, crop and other works);

Cost of a yield of agricultural crops.

2.3. The indemnification is carried out by undertakings, organizations and institutions, which are, removed land areas, as well as undertakings, organizations and institutions, which activity attracts restriction of the rights of land-users, including tenants or deterioration of quality of neighboring land.

2.4. The losses of land-users, caused by withdrawal of the land areas or temporary employment of them, are determined in the following order:

The estimation of apartment houses, objects of cultural-household purpose, industrial and other buildings and structures located on allotting or temporarily occupied land area, as well as buildings, structures and other objects which are located outside the withdrawn land area, if their further use on purpose will turn out as impossible, is carried out on balance cost of object in view of deterioration;

The undertakings, organizations and institutions, to which the land areas are given, with consent of land-user, instead of compensation of cost of the located on them buildings, structures and other objects can carry out the transfer of them on a new place or the construction of the appropriate new buildings, structures and other objects, by their own forces and means (as well as forces of involved organizations).

Thus a difference between budget cost of erected objects, including their modernization and the expansion and balance cost (in view of deterioration) pulling down objects is paid by land-user, for whose the object is constructed.

2.5. The expediency of transfer of structures and erections on new places and their restoration, construction of new buildings, erections and other objects instead of pulling down, is determined by a commission formed according to item 5.1 of the present Regulation.

2.6. The expenses connected to the indemnification, caused to land-users, are stipulated in the estimate for construction of objects, for location of which land areas are withdrawn or temporarily engaged, or concern on results of economic activity of the appropriate organizations, to which the land areas are given.

The undertakings, organizations and the institutions not making construction on given or temporarily occupied land areas and which are not carrying out industrial activity, compensate the mentioned above expenses at the expense of means specially selected on these purposes.

2.7. The estimation of fruit-bearing fruit-berry plantings, as well as protective and other grown by land-user perennial plantings is carried out on their balance cost.

2.8. Non-fruit-bearing fruit-berry plantings are estimated on actually made by land-user expenses:

On preparation of land, landing of plantings and care of them, on other kinds of works - according to the established standards of performance and quotations;

On a purchase seedlings - on the prices of fruit-nursery facilities or actual expenses for their cultivation;

On payment of mineral fertilizers - on the prices established for sale of them to collective farms and state farms;

On manufacture of organic fertilizers in economies - on actual expenses.

2.9. Cost of fruit-berry, protective and other perennial plantings is compensated by the state, cooperative and public undertakings, organizations and institutions, on which balance there are perennial plantings.

2.10. Cost of uncompleted manufacture (plough, insertion of fertilizers, crop, care of crops and other kinds of works) is determined by actual expenses on work executed by the land-user on standards of manufacture and quotations on separate kinds of these works, as well as cost of sawn seeds, organic and mineral fertilizers etc., applied in soil, but not used in connection with withdrawal or temporary employment of the land plot.

2.11. Cost of seeds, organic and mineral, fertilizers is compensated by the land-users on actual expenses for their manufacture, if they are manufactured in the farm, or on the prices established by the state for sale of them to collective farms and state farms.

2.12. Cost of meliorate objects constructed at the expense of means of the state budget, at withdrawal or temporary employment of the land areas is compensated to new land-users in the income of the state budget. The size of the sum subject to transfer in the budget is underlined in the act of estimating commission.

In cases, when meliorate objects constructed at the expense of means of the state budget, are transferred on balance of the land-users and they carried expenses during their operation (reconstruction, expansion), in connection with withdrawal of lands, specified expenses (losses) are subject to compensation to land-users.

At withdrawal or temporary employment of the land areas, therefore partially or completely the work of irrigating, manifold-drainage, anti-erosion and anti-flood structures (systems) are broken, the losses are determined proceeding from budget cost of works on construction new and reconstruction of existing structures (systems), including cost of design and exploration work on working norms and quotations.

2.14. The land areas engaged in agricultural cultures are allocated to new land-user, as a rule, after harvest of crop. In exclusive cases at allotting of the land area before harvest of crop its cost, under the condition of execution at the moment of allotting (occupation) on this plot of the basic complex of technical measures on cultivation of the appropriate agricultural crop is compensated which is determined proceeding from average for last 5 years of productivity of this crop in farm and prices, acting on the given zone.

On fodder crops the yield is transferred on fodder units, and its cost is determined on the price oats, acting on the given zone. In this case the cost of the uncompleted manufacture is not compensated. The complex of technical measures on cultivation of agricultural crop (at which execution land user receives the right on compensation of cost of a yield) is established according to zone systems of agriculture for each crop.

2.15. The losses, caused by the termination of usage by water sources (wells, ponds, chinks etc.), are defined proceeding from actually made by farms expenses for their structure or on cost of works on construction of new water sources equal debit.

2.16. In cases, when at withdrawal of the land plots by the estimating commission the necessity of realization of inter-economic and internal land tenure regulation, as well as the working out of the projects of planning and building of the settlements is established, expenses for realization of these works are provided at the expense of undertakings, organizations and institutions, to which the land plots or temporarily borrowing are given in usage according to the established order.

2.17. The losses caused to inconveniences of land tenure (formation of islands at filling of reservoirs, infringement of transport connections, dissociation of territory etc.), are defined by the sum of lump-sum expenses on construction of dams, bridges, roads, entrances, moving, other structures, as well as on purchase of boats, cutters, ferries and other vehicles.

2.18. Other losses of land-users, connected with withdrawal or temporary employment of the land plot, are defined proceeding from the actually carried out expenses.

### **3. INDEMNIFICATION TO THE CITIZENS**

3.1. At demolishing of structures belonging to citizens on the right of a personal property, in connection with allotting of the land areas for state and public needs, in cities, settlements of a urban type and other settlements to these citizens are paid the cost of demolishing structures and devices (houses, sheds, cellars, wells etc.) or at the request of the citizens, they and members of their families get apartments, in the houses of state or public housing fund according to the established norms.

The inhabited area on existing norms is given to other persons constantly living not less than one year in structures, subject to demolition.

If the land plots are allocated to undertakings, institutions, building-sites and other organizations, the inhabited area is given to the citizens in built houses of these undertakings, institutions and other organizations.

3.2. Hukumats of cities, districts or undertaking, organization and the institutions, to which the land plots are allocated, pay to the specified citizens the cost of fruit-berry plantings and cost of crops on the established prices.

3.3. At withdrawal or temporary employment of the land plots given for collective gardens and kitchen gardens, as well as given to the citizens the service land allotments are compensated: the cost of unused expenses (plough, applying of fertilizers, crop and other works), determined on the quotations on similar works acting at the state agricultural undertakings, located on the given territory, and on the retail prices on seeds, mineral fertilizers and other materials.

### **4. COMPENSATION OF LOSSES AGRICULTURAL (WOOD) ECONOMY OF MANUFACTURE**

4.1. With the purposes of preservation agricultural and wood area, as well as maintenance of a necessary level of agricultural and forestry manufacture according to the Article 12\$ of Land Code of the Republic of Tajikistan, undertakings, organizations and the institutions, for which the land plots engaged by agricultural or wood area are allocated for construction and other needs, compensate (besides the - indemnification to land users) losses of agricultural (forestry) manufacture.

Cost of losses of agricultural (forestry) manufacture is defined proceeding from the specifications established by the Government of the Republic of Tajikistan.

4.2. The control on duly receipt of means intended for compensation of losses of agricultural manufacture is carried out by Glavupravzem of Ministry of Agriculture of the Republic of Tajikistan and its local bodies and forestry manufacture - FIA "Tajik wood".

4.3. The losses of agricultural manufacture are not compensated:

At withdrawal of the land plots for individual housing construction;

At withdrawal of the land plots for construction of schools, boarding schools, children's houses, medical institutions, as well as under cemeteries;

At withdrawal of the land plots for water economy and irrigating objects in case of development of new lands or reorganization irrigating and manifold-drainage network.

### **5. ORDER OF DEFINITION OF THE LOSSES LAND USERS AND LOSSES AGRICULTURAL (FORESTRY) MANUFACTURE**

5.1. For definition of the losses of land users and losses of agricultural (forestry) manufacture connected to withdrawal of the land plots or their temporary employment, Hukumats of districts (cities) form the estimating commissions in structure of the member of the regional (urban) Hukumat - Chairman of a commission, State Inspector on use and protection of lands of area land users' representatives, from which lands the withdrawal or temporary employment of a plots are carried out, representative of undertaking, organization, institution concerned in allotting of the land area, as well as representatives of other bodies at the discretion of Hukumat of district (city).

5.2. At a choice of places for objects the variants of their accommodation should be considered in view of the losses and losses agricultural (forestry) manufacture caused by withdrawal or temporary employment of the land plot, having in view that the losses of land users and the losses agricultural (wood economies) manufacture were minimum.

5.3. By results of work of a commission the act with the indication of the size of subjects to the indemnification of land users and losses of (forestry) manufacture is carried out which is considered and affirmed by Hukumat of district (city).

5.4. The decision of Hukumat of district (city) on the specified question can be appealed against in 10-day period in Hukumat of region, and on districts of republican submission - in the Government of the Republic of Tajikistan.

## **6. ORDER OF USE OF MEANS, ACTING IN THE INDEMNIFICATION AND LOSSES OF AGRICULTURAL (FORESTRY) MANUFACTURE**

6.1. The means intended for the indemnification to land-users caused by withdrawal or temporary employment of the land plots, are listed by undertakings, organizations and institutions, to which these sites on the appropriate settlement (current) accounts of land-users are allocated, from whose the land plots are withdrawn and are used on a special-purpose designation for liquidation of consequences connected to withdrawal of lands, and in a part of compensation of balance of the cost (in view of deterioration) buildings and erections at inexpedience of their restoration or the constructions of the appropriate new building, aimed at the not centralized capital investment.

6.2. The means intended for compensation of losses of agricultural manufacture are listed on the special account of Senior Management of Land Resources and Land Tenure Regulation, according to the Article 130 of the Land Code of the Republic of Tajikistan and Regulation "On the order of centralization and target use of payments for land", authorized by the decree of the Soviet of Ministers of the Republic of Tajikistan from August 9, 1993 N2 386, these means are used for special-purpose designation on realization of the following works:

Development of new lands;

Meliorate improvement of lands;

Capital layout, land surveying and other project-technical works on the again mastered lands;

Drawing up of the project-engineering specification N/A performance of the above-stated works.

6.3. The unused money resources intended on compensation of losses of agricultural manufacture, at the end of one year are not withdrawn and are directed for the next year on financing of works specified in item 6.2 of the present Regulation.

6.4. Customer on execution of works specified in item 6.2 of the present Decree, acts the Senior Management of Land Resources, Land tenure Regulation and Land Reform of Ministry of Agriculture of the Republic of Tajikistan.

For execution of volumes of the specified works the contract building organizations of system of Ministry of Irrigation of water economies of republic, CCO "Tajikvodstroj" and other ministries and departments, as well as force land users are involved.

6.5. Control on realization of measures specified in item 6.2 of the present Decree and on duly receipt of means on compensation of losses of agricultural manufacture are carried out by Glavupravzem of Ministry of agriculture of the Republic of Tajikistan and its local bodies.

6.6. The means intended for compensation of losses of forestry manufacture are transferred on the special account of FIA "Tajik wood" are used for wood growing and restoration of the wood areas.

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