

To pass a law of Republic of Tajikistan “ On Dehkan farm” and putting it into effect  
The Majlis of representatives of Majlisi Oli (Parliament) resolves:

1. To pass a law of the Republic of Tajikistan “On Dehkan farm”
2. The enter law into action after it’s official promulgation
3. To the government of the Republic of Tajikistan:
  - represent to Majlis of Representatives of Majlisi Oli suggestion on putting the laws of the Republic of Tajikistan in accordance with the current law
  - to bring its decisions into conformity with the current law

Chairman of Majlis of the Representatives of Majlisi Oli of the Republic of Tajikistan

Mr. S. Khairulloev

Dushanbe, 19 March 2002

## **The law on Dehkan farm**

### **ARTICLE 1:**

#### **The purpose of the present law**

The present law defines the legal basis for organization and activity of Dehkan farms in the Republic of Tajikistan

### **ARTICLE 2:**

#### **Legislation on Dehkan farm.**

The legislation of the Republic of Tajikistan on Dehkan farm is governed by constitution of the Republic of Tajikistan and consists of the present Law, other legislation acts of the Republic of Tajikistan, as well as international legislative activities recognized by Republic of Tajikistan

### **ARTICLE 3.**

#### **Concept of Dehkan farm**

The Dehkan farm is an independent managing subject carrying out it’s activities being not a legal person and based on individual business of a person, or members of the one family and other citizens jointly producing agricultural production, on the basis of plot of land and other properties being in its possession.

### **ARTICLE 4.**

#### **Members of Dehkan farm.**

Members of Dehkan farm might include spouses, children, adopted children, parents and other individuals working cooperatively in a single farm. Employed individuals could not be considered as members of a Dehkan farm and their mutual relationship is under the RT Law on Labour.

### **ARTICLE 5.**

#### **Dehkan Farm as a farm of farming.**

Dehkan farm alongside with commercial organizations and individual businessmen is a part of economic system equal in rights. All it’s economic operations are carried out under the agreement of parties on cash and clearing settlement. Dehkan Farm

individually identifies the structure and type of production, proceeding, from own interests and can be engaged in any kind of activity, which is not prohibited by the legislation of the Republic of Tajikistan. Interference in economic activity of Dehkan Farm by governmental agencies and officials is not admitted, with the exception for cases envisaged by legislation.

#### **ARTICLE 6.**

##### **The rights and form for establishing of Dehkan form.**

Each capable citizen of the Republic of Tajikistan has the right of creating a Dehkan farm. Dehkan farm could have the following forms:

- a) the Dehkan farm based on individual business
- b) the Dehkan Farm based on business activity carried out in a form of family business and on the basis of joint use of the property
- c) The Dehkan Farm created in a form of simple fellowship on the basis of jointly shared ownership and agreement of joint activities

#### **ARTICLE 7.**

##### **The Head of Dehkan Farm**

The Head of Dehkan Farm is one of its able-bodied members having knowledge and skills and practical experience of work in the sphere of agriculture.

The Head of Dehkan Farm represents its interests while dealing with physical and legal bodies and governmental agencies and organizes the farm activities.

#### **ARTICLE 8.**

##### **The rights of Dehkan farm on establishment of farm fellowship or cooperative farm with the right of legal body.**

Members of Dehkan farm in accordance with Civil Code of the Republic of Tajikistan on the basis of the propriety of the farm could create the farm fellowship or co-operative farm with the right of legal body.

The farm fellowship or cooperative farm as a legal body has the right on property handed over to him/her that includes membership fees of farmers, as well as properties received at the result of activities or gained from the other sources that not violates the legislation.

The amount of a membership fee of the Dehkan farmers who are part of cooperative farm or members of manufacturing cooperative is fixed considering their share in the right of joint property to assets of Dehkan Farm according to the Civil Code of the Republic of Tajikistan

#### **ARTICLE 9.**

##### **The coordination of activities of Dehkan farm**

The coordination of activities of Dehkan Farm and realization of state policy in regard with development of scientific-technical progress, Investments and prognosis in this sphere is fulfilled by representative organ of the government of the Republic of Tajikistan

#### **ARTICLE 10.**

##### **The condition for granting the land**

- Based on application of a citizen, a district/city executive authority grants the land for life-inherited possession to set up a Dehkan farm and acts within his/her competency outlined in the Land Code of the Republic of Tajikistan.

- Dehkan farm can lease land for production.
- Generally the land is granted in a whole plot.
- Expenditures on compiling land-cadastral documentation, agrochemical and ecological inspection of soil attached to corresponding budget. In addition the landowner can independently order and finance the specified works. Expenditures on allotting of the land and registration certificate on the right of land tenure are carried out at the expense of Dehkan Farm. While establishing a Dehkan farm in the area free from industrial and public facilities, the Government takes the responsibility for primary development, construction of roads, energy and water supply systems, phone communications and melioration.

**ARTICLE 11.**

**Norms of granting the land plot for creation of Dehkan Farm**

For creation Dehkan farm the land plot is granting for citizens of the Republic of Tajikistan in life inherited possession in the following proportions:

- a. Plots attached to agricultural organizations – Average land size established within the organization per each it's member having a right on a plot.
- b. Plots attached to special fund – in a size of district (city) average share for each able body wishing to create Dehkan farm.

**ARTICLE 12.**

**The order of formation of special land fund for creation of Dehkan farm**

For organization of Dehkan Farm an executive authority of districts (cities) create a special land fund at the expense of:

- a. Lands, left a turnover or transferred in less valuable land
- b. Lands of a reserve
- c. Lands of all categories used not on a special-purpose designation:
- d. Lands given to agricultural production and which are not used within one year, as given for the non-agricultural purpose and not used during two years.
- e. Lands of forestry enterprises which are not covered with forest and bush and which are suitable for use in agricultural manufacture;
- f. Lands of Dehkan farms that are not utilized effectively;
- g. Lands of Dehkan farm ceased their activity
- h. Newly assimilated lands

Identified land plots included into the special fund under decision of executive authorities of districts (cities) will withdraw for creation of Dehkan farm. The consent of land-tenure on withdrawal of these lands is not required. The creating of Dehkan Farm is not allowed on the lands of seed-growing, pedigree farms, research, scientific-production institution educational experimental, professional-technical colleges, secondary schools and also the lands of the state water sources.

**ARTICLE 13.**

**Establishment of the right forland tenure of Dehkan farm.**

The right of Dehkan farm on land tenure is attested by certificate on the right on land tenure, handed out to the head of Dehkan farm in an order, established by the Government of Republic of Tajikistan. The land tenure is possible only if certificate exist. The right lease of land is determined by the contract between parties

**ARTICLE 14.**

### **The order of granting the land plots from lands of special fund for setting up a Dehkan Farm**

Citizens that want to set up a Dehkan farm including those coming from other districts/cities for permanent residency have to submit a well-grounded application to a district/city executive authority to be granted a land plot in a affiliated area.

The purpose of use of the asked land plot, the assumed size and it's location and total number of able-bodied members of the family should be included in the application.

The executive authority of the district (city) takes the decision on granting the land plot in a month from the date of submission of the application. In case of non-observance of farms of taking decision on the concealment of the information about the existence of special land fund, responsible officials for follow up make answer for that according to legislation of the Republic of Tajikistan.

#### ***ARTICLE 15.***

Establishment of Dehkan farm from the land of state enterprises and other forms of farms.

The lands of state and other forms (except those mentioned indentation 3 of article 12) conditionally allocated among the permanent members, also with the decision of joint meeting –among other citizen, included into the list of shares, in way of exception of share, that securing the right of every citizen and in relation with the local conditions, location of reserve lands, locality and other factors.

The size of land plot share is established by the district (city) land-tenure regulation committee and confirmed by district (cities) Hukumat.

#### ***ARTICLE 16.***

##### **State registration of Dehkan farm.**

In accordance with the legislation of the Republic of Tajikistan , since the certificate on land utilization is received, a Dehkan farm has to be registered in both tax and state statistic agencies due to their location.

The farm comradeship and production cooperative created in accordance with the legislation of the Republic of Tajikistan, after receiving registration on the right of land-tenure, has to be registered in a state legal unit due to their location and be registered in local department of state statistics.

The village (town) jamoat records each Dehkan farm, farm comradeship and production cooperative in registration book where the main information about them is also included.

#### ***ARTICLE 17.***

##### **The rights of the Dehkan farm and it's members.**

The Dehkan farm and it's members have the right:

- a. To manage land independently:
- b. To put on rent the land plot in whole or part in case of temporary invalidity, call to the Armed Forces, study and others cases fixed in the legislation of the Republic of Tajikistan ;
- c. In case of withdrawal of the land plot by the state to receive complete indemnification of expenses on increases of the fertility of land and losses, including the missed benefit
- d. To be the owner of manufactured production and gained, to demand own share.
- e. To reject the land tenure by own will

- f. To leave the Dehkan farm in accordance with his/her share without the consent of other members of Dehkan farm
- g. To utilize natural resources as prescribed (sand, crashed stone, clay, stones, the sources of water and other useful attributes of the land Plot of Dehkan farm.)
- h. To acquire, to rent or temporary use of the property of organization and individuals
- i. To sign a contract for conducting entrepreneur
- k. To built an utility facility in the area less than 0.03 hectare in case, if the total area of land plot is more than one hectare.
- l. To use the other rights envisaged by legislation of the Republic of Tajikistan

Hunting, fishing, collection of the fruits, including nut-fruits, medicinal herbs, shrub fruits and other natural goods or other activities on land plot allotted for Dehkan farm is possible only with the agreement of the Head of Dehkan farm or the contract of parties.

If there are buildings, perennial plantations or other objects that could not be moved to other place, the Dehkan farm compensates to the former land tenure the cost of it if the parties do not come to agreement of other activities. Than these objects become the property of Dehkan farm

#### ***ARTICLE 18.***

##### **Duties of the Dehkan farm and its members**

The Dehkan farm and its members having the land plot share are obliged:

- a. To use the land effectively according to a special purpose designation to raise its fertility, to carry out a complex of activities focused on protection of soil, forests, water, to avoid the ecological outbreak in the result of its producing activities
- b. To pay in the land rent-payment and other types of tax for land tenure on due time
- c. To be conducive to effective use of land, increase the productivity of agricultural products, to represent the bodies of the executive authorities required by legislation information about its activities in the use of land
- d. To compensate in an established order damage for decrease of fertility of land admitted by fault of landowner
- e. To observe the contractual obligation and credits-settlement discipline
- f. Do not violate the rights of land –tenure

#### ***ARTICLE 19.***

##### **The transfer of the properties and rights of the member of Dehkan farm for land tenure into inheritance.**

The property and right of the member of Dehkan Farm can be inherited in an order envisaged by Civil Code of the Republic of Tajikistan

#### ***ARTICLE 20.***

##### **Financial activities of the Dehkan farm**

The resources of Dehkan farm are formed at the expense of the proceeds from sales of production (works and services) credits or budget assignments, donations and other receipts. The financial activities including currency account and realization of all kinds of payments, credit and cash operations.

Withdrawal of cash from bank accounts of Dehkan farm are carried out only from its consent, or to the decision of court.

Annual report of Dehkan farm is the foundation of financial report.

**ARTICLE 21.**

Crediting of Dehkan farm

The Dehkan farm has the right to use the credit given by a bank of any kind on the basis of the contracts determining conditions of crediting.

Repayments of the credit of Dehkan farm are provided with a pledge and other kinds of obligations.

**ARTICLE 22.**

**Labor in the Dehkan farm**

The labor in Dehkan farm is carried out mainly by the members of the farm. The performance of works with hired labor and contracts is promulgated by acting norms of legislation of the Republic of Tajikistan.

The payment of labor of the citizen concluding the contracts about use of their work is included in the structure of current expenses and is carried out in the primary order. It does not depend on the result of the work of the Dehkan farm, if there is no special agreement about it. Members of Dehkan farm and citizens, involved in fulfillment of work in Dehkan farm on the contract basis, have the rights, envisaged by legislation of the Republic of Tajikistan

**ARTICLE 23.**

**The account and reporting of Dehkan farm.**

Dehkan farm carries out the account of results of the work. Dehkan farm and association of Dehkan farms is obliged in an prescribed order to produce reports on its activities to the state statistic department of the Republic of Tajikistan.

**ARTICLE 24.**

**The social insurance of the properties of Dehkan farm and Association of Dehkan farms.**

The social insurance of the properties (agricultural crops, animals, main properties and other properties) of Dehkan Farm and its Association is carried out in accordance with the Civil Code of the Republic of Tajikistan and the law "On insurance" of the Republic of Tajikistan

**ARTICLE 25.**

**The state social insurance and social protection of the members of Dehkan farm.**

The member of Dehkan farm is the subject to state social insurance on the equal basis. The insurance payment is paid from total sum of earnings of the members of the Dehkan farm. The charges made for the development of Dehkan farm are actually excluded from the incomes.

The member of Dehkan Farm has the right to pension in accordance with the legislation of the Republic of Tajikistan. Thus total of all operating time in Dehkan farm will be included in his/her total length of services.

The member of Dehkan Farm is provided with the extraordinary grant in the case of temporary disability and other privileges envisaged by legislation of the Republic of Tajikistan. The duration of work in Dehkan farm of the members of the farm and citizens signed the contracts for work is added in total continuous length of services on the basis of the records in work-recorder and other documents confirming payment of social insurance fees.

The registration of the working activity of the Dehkan farm members and individuals that have contacted them is carried out by a Dehkan farm independently. Dehkan farm carries out the financial responsibility for any damage made by its members to individuals that have contracted them, for injury or any harm affected the health caused by doing own job.

**ARTICLE 26.**

**State support of Dehkan farm**

Dehkan farm has the following privileges

- a. The state registration of Dehkan farm has the free character and is free of charge
- b. In order and on the condition, foreseen by the government of the Republic of Tajikistan, are released from payment for the connection to electric power, water supply (without using the buildings or technical equipment)
- c. Can open the clearing account free of charge in a commercial banks
- d. Receive the favorable credits in a commercial banks
- e. Have the priority right on floating the order for state needs.
- f. At the expense of resources envisaged for small enterprise support, provide refreshment courses and training of staff.
- g. Use the other privileges envisaged by legislation of the Republic of Tajikistan

**ARTICLE 27.**

**Tax payment for Dehkan farm**

The tax payment for Dehkan farm is carried out in accordance to the Tax Code of the Republic of Tajikistan

**ARTICLE 28.**

**Identification and establishment of Dehkan Association**

Formation of the Association take place by voluntary union of independent Dehkan farms. They are functioning on the basis of constituent agreement and statutes authorized by its participants and is a legal unit body and registered in justice organs in a location of residence.

The Dehkan Farm joined the association keep their independence, right for land-tenure and is subject to the action of the present law.

The actions leading to compulsory inclusion of Dehkan Farm into associations are prohibited.

**ARTICLE 29.**

**Management of Dehkan Associations**

The supreme organ of management of Dehkan association is the general meeting of its participants.

The executive's functions and coordination of activities of Dehkan farm is carrying out by the council of Association managing by the chairman. Participants elect the Association Board on a staff meeting.

**ARTICLE 30.**

**Manufacturing, finance and economic activities of Dehkan Association**

To fulfill its goals and tasks Dehkan association has the right;

- a. To carry out the common actions, coordinated between its participants, in the field of commerce, finance and credit and technical development;

- b. To create the financial and material resources by voluntary deduction, to centralize manufacturing – economic tasks;
- c. To promulgate mutual relations between its participants with the help of the settlement of prices tariffs and quotations

Association of Dehkan farm assume no obligations made by its participants, and participants do not answer for obligations of association, with exception when the association is acting as guarantee.

The order of closure of the association and its liquidation are defined by statutes

#### ***ARTICLE 31.***

##### **The foundation for termination of activity of Dehkan farm**

The activities of Dehkan farm is terminated in cases:

- a. of termination of the right of land tenure in order, envisaged by legislation of the Republic of Tajikistan
- b. of the decision of the members of Dehkan farm about the termination of its activities.
- c. if none of the members of Dehkan farm or heritor wishes to continue activity of the Dehkan farm any longer
- d. use of the land plot by methods resulting to degradation of lands
- e. expropriation of the land plot in accordance to the order envisaged by the land for state and social needs
- f. in connection of bankruptcy
- g. reorganization of Dehkan Farm in other organizational legal form.

#### ***ARTICLE 32.***

##### **The order of liquidation of Dehkan farm**

The order of liquidation of Dehkan farm is envisaged with acting law of the Republic of Tajikistan. Relations of land-tenure after the liquidation of Dehkan farm determine in accordance with the acting laws. At the liquidation of the Dehkan farm its properties and money resources are used for the payment of the salary for citizens working on the base of contract, payment to budget, return of bank credit and payment for other creditors.

The remained part of the property and money resources gained from realization, kept as joint property, or distributed among the members of Dehkan farm.

#### ***ARTICLE 33.***

##### **Resolving of arguments on the termination of activities and liquidation of Dehkan Farm**

The arguments about the termination of activities of Dehkan farm resolves in an envisaged order by the court

#### ***ARTICLE 34.***

##### **The responsibility for infringement of legislation on Dehkan farm.**

The physical and legal bodies violated the law on Dehkan Farm are called to account for in accordance with the legislation of the Republic of Tajikistan.

President of the Republic of Tajikistan  
Dushanbe  
10 May 2002  
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E. Rahmonov