

THE LAW OF THE REPUBLIC OF TAJIKISTAN

On Land Reform

Chapter I. GENERAL PROVISIONS

Article 1. Tasks and purpose of land reform

Tasks of land reform in the Republic of Tajikistan are creation of conditions, for equal rights the development of the various forms of managing on land, the formation of multi-structural economy, the rational use and the land protection with the purposes to increase of the agricultural production.

Article 2. The contents of land reform

1. The land reform is a set of legal, economic and organizational-technical measures ensuring the transfer to qualitatively new land relations.

2. By realizing the land reform the right of each citizen and collective on voluntary choice of land property, land-tenure and economic activity on land is provided.

Demand of land, before belonging to ancestors and religious establishments is not admitted.

3. The realization of land reform is governed by the present Law, Land Code of the Republic of Tajikistan and other legislation of the Republic of Tajikistan.

Article 3. The basic directions of land reform

The basic directions of land reform are:

Realization of inventory of all lands according to categories, land properties, land-tenure and kinds of area;

Defining of unused and irrationally used lands for the creation of a special land fund of bodies of the local executive authority (Hukumats of districts) with the purpose of its subsequent redistribution for more effective utilization of lands; (Law №134 from 04.11.95)

Granting of lands for life inherited possession to the citizens of the Republic of Tajikistan for establishing of dehkan and personal part-time farm, gardening, market horticulture, construction and service of an apartment house;

Employment in traditional national enterprises and crafts;
Redistribution of lands after of transformation of collective farms, denationalization and privatization of state farms and other state enterprises;
Establishment and specification of the boundaries of administrative - territorial formations any settlements and their land-economic usage;
Registration and renewal of the documents on the right of usage and possession of the land plots.

Article 4. Stages of the realization of land reform

The land reform is carried out stage by stage.

At the first stage, the definition of the rights to order land, specification of administrative borders, determining the requirement of the citizens, enterprises, establishments and land institutions, formation of special fund of lands for their subsequent redistribution, establishment of the rates of the land tax and prices of land for the local executive authority (Hukumats) are carried out. (Law №134 from 04.11.95)

At the second stage, the local executive authority (Hukumats) and Ministry of Agriculture of the Republic of Tajikistan will carry out the transfer and definition of lands in possession, usage, including lease by the citizens, enterprises, organizations and establishments according to the legislation of the Republic of Tajikistan. (Law №134 from 04.11.95)

Article 5. Offices, carrying out land reform

1. The realization of land reform is assigned to offices of the local executive authority (Hukumats) and Ministry of Agriculture of the Republic of Tajikistan.

2. Ministry of Agriculture of the Republic of Tajikistan and its local offices bodies carry out the following tasks in the execution of land reform:

State registration of landed properties (land-tenure) and registration of the rights of land property (usage of land);

Execution of the state registration of lands, land cadastre and monitoring of lands;

Carrying out of land tenure regulation, drawing up of the general parameters of use of land, and parameters of land tenure regulation, quantative survey of land, cartography of land area;

State control on use of lands;

Realization of uniform technical policies in the field of land tenure and

land tenure regulation.

The offices of the local executive authority (Hukumats) within the limits of their powers take decisions on land reform and land tenure regulation on the basis of directives given by Ministry of Agriculture of the Republic of Tajikistan. (Law №134 from 04.11.95.)

Article 6. Financial and material maintenance of land reform

The realization of land reform is financed at the expense of Republican and local budgets, any other sources, as well as the monies from payment for land, and will be sufficient to carry out the reforms.

Chapter II. INVENTORIES OF LANDS

Article 7. Tasks and realization of a land inventory

The inventory of land is carried out with the purpose of specification of the data about location and distribution of the land fund of the Republic of Tajikistan.

The inventory of land is carried out according to the categories of lands, land properties, land tenure and geographic location.

Chapter III. SPECIAL FUND OF THE OFFICES OF THE LOCAL EXECUTIVE AUTHORITY (HUKUMATS OF DISTRICTS)

Article 8. Creation of special land fund

1. The special land fund is formed in consideration of:

Lands, the right of usage of which is subject to termination according to Article of 17 of Land Code of the Republic of Tajikistan;

Agricultural area, reduced or transferred into marginal land;

Lands of reserve;

Lands of the forestry fund, which has not been used for forestry and is suitable for use in agricultural production;

Lands incorrectly used;

Other lands of collective farms and state farms, not used before in agricultural manufacture. (Law №1005 from 21.07.94)

2. Plots, the condition of which does not allow agricultural production and which are not satisfying sanitary norms and requirements, are not included

in the special land fund.

Article 9. Assignment of special land fund

The special land fund of the offices of the local executive authority (Hukumats of districts) (Law №134 from 04.11.95) is given for the agricultural purposes to the citizens for the establishment of dehkan (farmer) and personal part-time farm (Law №1005 from 21.07.94), cooperative societies, subsidiary agriculture of industrial and other enterprises, associations, establishments and organizations.

Article 10. Definition of unused and irrationally used lands

1. The definition of unused and incorrectly used lands is carried out by offices of the state land tenure regulation service as an independent activity through execution of the inventory, as well as through control on the observance of the land legislation, working out of the parameters and projects of land tenure, conduct of the land cadastre and monitoring of lands.

2. The information on the defined unused and incorrectly used lands are directed to the office of the local executive authority (Hukumat of district) for the decision on the question of withdrawal and transfer of these lands to the special fund. (Law 134 from 04.11.95)

Article 11. Withdrawal of lands, registered in special land fund

The sites registered in the special land fund are withdrawn from land owners (land-users) by the office of the executive authority (Hukumats of the area) in any receipt issued to the applications and petitions of the citizens, cooperative societies, enterprises, associations and organizations.

The consent of landowners (land-users) on withdrawal of plots for transfer to the special land fund is not required.

Any dispute about the decision on withdrawal of lands can be appealed against in court or economic court.

Before transfer of lands to new landowners (land-users) they are used by former landowners, (land-users).

Article 12. Conditions for the distribution of the special land fund

1. The allocation of plots from the special land fund is carried out according to land tenure regulation, in the agreed procedure.

2. Firstly from the special fund land plots are given to the citizens to establish dehkan and personal part-time farms, collective gardening and market gardening.

3. The citizens living in the given district, having agricultural knowledge and qualification, having practical experience of work in agriculture, have the preferential right to receive land plots including those on a competitive basis.

The land plots are given also on a competitive basis to subsidiary agriculture of industrial and other enterprises, associations, establishments and organizations

Chapter IV. RE-DISTRIBUTIONS OF THE LANDS OF COLLECTIVE FARMS, STATE FARMS AND AGRICULTURAL ENTERPRISES IN EVENTS OF THEIR TRANSFORMATION, DENATIONALIZATION AND PRIVATIZATION

Article 13. The forms of transformation, denationalization and privatization of the agricultural enterprises

During the process of transformation, denationalization and the privatization of agricultural enterprises new land properties (land tenure) can be created by formation of dehkan enterprises, lease collectives, agricultural cooperative societies and other forms of management.

Article 14. Granting and registration of the land plots from the formation of new land properties (land-tenure)

1. The land plots are given from land of the specific economic purpose to dehkan farms, lease collectives, agricultural cooperative societies and other managing subjects, which are formed in the process of denationalization and privatization of state farms and other state agricultural enterprises or in the event of transformation of collective farms.

2. The size of the given land plot for dehkan activity, agricultural cooperative society, lease collective is defined according to the norms of economic land usage.

3. The decision on withdrawal and granting of the land plots again to new land owners (land-users) is taken by the office of the local executive authority (Hukumat of district) according to the project of land tenure regulation. (Law №134 from 04.11.95)

The decision of the project land tenure regulation is registered, and the appropriate documents on the right of possession (use) by land are made out.

Article 15. Inadmissibility of denationalization and privatization of state agricultural experimental stations

Denationalization and privatization of state agricultural experimental stations, elite-seeds-production and breeding farms, stockbreeding reproducers and other farms of scientific and research establishments is not allowed.

Chapter V. ESTABLISHMENT OF THE BORDERS OF
ADMINISTRATIVE - TERRITORIAL FORMATIONS, OCCUPIED
PROPERTIES AND THEIR ECONOMIC LAND USAGE

Article 16. Specification and establishment of the borders of the settlements

The specification, establishment or change of borders of the settlements is carried out in the event of:

Absence of a border of the settlement;

Changes of the general plan of the settlement;

Granting of the additional land plots for the needs of the settlement.

The description of borders and the cartographic plans is carried out for each settlement and administrative-territorial formation.

The borders of the village settlements and settlements of an urban type are confirmed by the offices of the local executive authority (Hukumats of districts), and the borders of cities and administrative - territorial formations according to policy of the Government of the Republic of Tajikistan are approved by Majlisi Oli of the Republic of Tajikistan. The borders of the settlements and administrative-territorial formations, confirmed according to the established order, are registered and are designated by boundary-markers. (Law №134 from 04.11.95)

Article 17. Granting of lands in the village settlements

Within the limits of borders of the village settlements Jamoat makes a decision on granting the land plots in usage or lease according to the Article 98 of Land Code of the Republic of Tajikistan. (Law №134 from 04.11.95)

Chapter VI. REGISTRATIONS AND RENEWAL
THE DOCUMENTS ON THE RIGHT OF POSSESSION OF THE LAND
PLOTS

Article 18. Applying for renewal of the documents and granting of lands

1. The citizens, enterprise, associations, organizations having in possession land plots or wishing to receive land, address by petition to the office of the local executive authority (Hukumat), where the aforesaid land plot is situated.

2. The offices of the local executive authority (Hukumats) are obliged within a month to consider and to take the appropriate decision on the petition of renewal of the documents or granting of the land area. (Law №134 from 04.11.95)

Article 19. Renewal of the documents on the right of possession of land

1. The office of the local executive authority (Hukumat of area) registers the petitions and presents them to the offices of the state land tenure regulation service for preparation of the appropriate offers.

2. The offices of the state land tenure regulation service carry out the necessary work on the specification of borders of land tenure with a view to withdraw the land and include them in the special land fund, including the changes of borders of the village settlements and presents to the office of the local executive authority (Hukumat of district) the project of land tenure regulation for their affirmation.

After the affirmation of the project of land tenure regulation and registration of borders specific to a landowner (land-user), the document certifying the right on land is given out.

Article 20. Registration of the documents on the right of the heritable possession of land

1. To the citizens of the Republic of Tajikistan living on the territory of the Republic having in possession lands given for the purposes, specified in the Article 48 of Land Code of the Republic of Tajikistan, the state acts on the right of heritable possession of the land plots are issued.

2. On registration of the documents on lands given for a collective gardening and market-gardening, on the land areas which are in individual usage of the members of a company, the state acts on the right of the heritable possession are issued.

3. The member of a gardening and market-gardening company has the right at his own discretion to transfer without prejudice gratuitously to other persons properties, belonging to it, and establishing crops on the land plot fixed to him for life inherited possession. Thus the consent of company is not required.

Article 21. Preservation of the right of possession of land prior to the renewal of the documents

Before registration and renewal of the documents on the right of possession (use) of lands, citizens, enterprises, associations and organizations keep the right of possession of the land plot, established earlier.

President of the Republics of Tajikistan R.NABIEV

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