

Unofficial translation

Approved  
Government Resolution  
The Republic of Tajikistan  
of 30 December 2011, № 641.

The regulation of compensation for land users or other registered users of the rights associated with the land for damages and the losses associated with the withdrawal of lands from circulation/usage.

- 1) The rule of compensation for damages to land users or other registered users of the rights associated with the land and the losses associated with the withdrawal of land from usage (further This Rule/Procedure) is developed in accordance with the Land Code and other legal acts of the Republic of Tajikistan.
- 2) This Regulation applies to agricultural lands of all types and categories of land.
- 3) Assessment of land associated with reimbursement of losses by land users and losses related to the withdrawal of lands from usage is carried out in case of withdrawal of land plots for state and public needs prior to the usage of land by individuals and legal entities.
- 4) By seizure of land for state and public needs all costs are assessed according to the order established by the legislation of the Republic of Tajikistan at market prices and are calculated by taking into account the location of the land.
- 5) Loss of agricultural production associated with the withdrawal of lands from circulation/usage, shall be reimbursed by individuals and legal entities to which these agricultural lands are provided for non-agricultural purposes.

## **2. Compensation for damages to land users**

- 6) Losses caused to land users, shall be reimbursed in full in cases of:
  - seizure of land for state and public needs in cases stipulated by the Land Code of the Republic of Tajikistan;
  - restrictions on land users' right in connection with the establishment of a special legal regime of land use.
- 7) By assessment of the damage to the land user the followings are taken into account:
  - the assessment of the cost of registration of the right for using land
  - the value of real estate located on the land, in view of fruit trees, berry, protective and other perennial plants
  - the value of work in progress (ploughing, mineral fertilizers, crop and other works) - the value of uncollected crop
  - losses caused to the land user in connection with the early termination of its obligations under the contracts.
- 8) By identifying the losses caused by real estate and other works and services, in the case of seizure or temporary land occupation the appraiser shall take into account:
  - the cost of residential houses, objects for cultural and community purpose, industrial and other real estates located on the seized or temporarily occupied land plot and immovable property/real estate located outside of the seized land, if further use of these facilities for the purpose will be not possible
  - fruit-bearing fruit and berry plantings, as well as the work performed by the land user cost for caring in accordance with the approved and presented documents
  - the costs of preparing soil, planting crops and taking care of them, as well as other kinds of work
  - the cost of purchasing seedlings
  - the cost of production, purchase and use of agro-chemicals
  - the cost of work in progress (plowing, fertilizing, planting, caring for crops and other types of work), as well as the cost of sown seeds, agrochemicals and other materials used on the land

- the cost spent by land users in connection with the maintenance work of reclamation objects built at the expense of the state budget and donated to the land users.

9) Legal entities and individuals who are allotted plot of land shall reimburse the cost on the basis of presented and certified documents of appraiser or instead of real estate in the new location erect equivalent immovable property.

10) If the withdrawal or temporary occupation of land, resulting in a partially or completely disrupted waterworks, road network, the work of anti-erosion and anti-structures (systems), the amount of damages to the land user is determined according to the established rule, or instead of these objects new facilities should be constructed or existing facilities should be maintained/repaired.

11) By identifying the costs necessary for restoring the quality of land, the costs for researching soil and other agrochemical components, development of projects and the cost of activities enabling the restoration of land quality shall be taken into account.

12) Plots of land occupied by crops as a rule shall be given to new land users after the harvest. In some cases, with allotment of land before the harvest, the cost shall be reimbursed in accordance with the time of seizure of plot of land based on performance of agricultural activities for the cultivation of crops and compensated at market price based on the average yield of these crops.

13) Losses caused by the cessation of water sources (wells, ponds, wells and others), their cost is determined by market prices of the construction of such water sources.

14) In the cases when by withdrawal of land plots the needs for inter-farm and on-farm land c, as well as the development of human settlements development are established, the costs for these works shall be covered by legal and individuals entities who are interested in the seizure of land.

### **3. Compensation of loss for citizen**

15) Losses of citizens are reimbursed on the grounds stipulated in Chapter 2 of this regulation.

16) By demolition of the real estate of citizens in connection with the seizure of land plots the cost of demolished real estate/immovable property is reimbursed in accordance with the Law of the Republic of Tajikistan "On assessment activity" or c with the consent of the person concerned citizens provide similar property.

17) If the land provided to persons or entities with buildings and buildings on the site, the cost shall be reimbursed by the individuals concerned.

18) Legal entities and individuals allotted plot of land, pay the cost of perennial plants and the cost of crops at market prices to the affected persons.

19) The withdrawal of land plots allocated for gardens and vegetable gardens, as well as seizure of allotment service provided to citizens the following costs shall be reimbursed by individuals and legal entities:

- the cost of buildings, structures, and other objects that are on the land
- the cost of unused expenses (plowing, mineral fertilizers, planting and other work).

### **4. Compensation for loss of agricultural production**

20) In order to develop new lands in lieu of agricultural land, as well as to ensure the necessary level of agricultural production, individual and legal entities, which are allotted plot of lands for construction and other needs shall reimburse the loss for agricultural production (Act attached).

21) Compensation for loss of agricultural production is carried out by legal and individuals who are granted a plot of land from agricultural lands and is then used for non-agricultural purposes.

22) Losses are compensated in full by acquisition of agricultural land in case of perpetual usage, in case of terminable use, provided the recovery and re-cultivation of disturbed lands for agricultural purpose.

23) In case of turning topsoil to marginal or unproductive land at the expense of the legal or individuals entities which is granted a plot of land, the loss shall be compensated by the amounts spent on the restoration of wetlands.

24) The dimensions of the loss of agricultural production shall be brought to the attention of the concerned person provided to grant him the land and with his consent, the act shall be carried out.

25) To identify the size of the losses of agricultural production, plan cartographic materials, land management projects, data of land soil, cadaster and land monitoring surveys shall be used.

26) Individual and legal entities shall be exempted from compensation for loss of agricultural production in accordance with Article 45 of the Land Code of the Republic of Tajikistan.

#### **5. The procedure for determining losses of land users and losses of agricultural production**

27) Loss of land users and the loss of agricultural production associated with the seizure of land, or temporary their occupation shall be determined through presenting authentic documents by land users.

28) The loss of agricultural land are determined by land committees at places with the participation of land users, legal and individuals entities interested in land acquisition and evaluated in accordance with the relevant normative regulatory act.

29) As a result of work with the indication of full amount of compensation for loss of agricultural production, an act is drawn up and approved by the signature and seal of the parties concerned.

30) damages to land users are not reimbursed in the following cases:

- failure to provide identification documents to real estate
- failure to provide factual information on the real estate.

31) disputes between the concerned parties for determining the size of the losses of agricultural production shall be subject to the court consideration.

#### **6. Procedure for the use of funds related to the compensation of losses of agricultural production**

32) The funds allocated for compensation of loss of agricultural production, shall be transferred into a special account of the Treasury of the Ministry of Finance of the Republic of Tajikistan and the order of their use is determined by the State Committee on Land and Geodesy of the Republic of Tajikistan with the coordination of the Ministry of Finance of the Republic of Tajikistan.

33) Unused funds allocated for agricultural production losses are not collected at the end of the year and shall be used for the intended purpose in the following year.

34) Funds received as compensation for losses of agricultural production, are used to finance the following activities:

- development of new lands

- the improvement of waterworks, land reclamation and improvement of soil fertility
- conducting land management (including work for the establishment and restoration of land boundaries in the area, making their plans and drawings, technical equipment of the state land management services)
- carrying out anti-erosion measures
- implementation of topographic, geodesic, aerospace, mapping, inventory, soil, evaluation and other surveys and studies carried out for the purpose of land cadastre and land monitoring
- the implementation of state control over land use and land protection.

35) Financing of R & D activities carried out according to the design-estimates for the rehabilitation and restoration of land.

36) State Committee on Land and Geodesy of the Republic of Tajikistan in accordance with paragraph 34 of this Order, by taking into account the proposals of local authorities of cities and districts present petition to the financial authorities of the Republic of Tajikistan on the allocation of funds to finance these activities within the framework of approved expenditure and spending of allocated fund shall be executed according to the established rule within the framework of requirements of regulations.

37) The customer of works referred to in paragraph 34 of this Regulation is the State Committee on Land and Geodesy of the Republic of Tajikistan.

38) Monitoring the implementation of activities specified in paragraphs 32 and 34 of this Regulation as well as the timely receipt of funds for compensation of losses of agricultural production is carried out by the State Committee on Land Surveying and the Republic of Tajikistan and its local bodies.

## Annex 2 -

approved by  
Government Resolution  
The Republic of Tajikistan  
As of 30, December 2011, № 641

### НОРМАТИВЫ ВОЗМЕЩЕНИЯ

ПОТЕРЬ, СВЯЗАННЫХ С ИЗЪЯТИЕМ ЗЕМЕЛЬ ИЗ СЕЛЬСКОХОЗЯЙСТВЕННОГО ОБОРОТА, В РАЗРЕЗЕ  
КАДАСТРОВЫХ ЗОН И ГОРОДОВ РАЙОНОВ РЕСПУБЛИКИ ТАДЖИКИСТАН

(сомони гектар)

п\п	п\п	Наименование кадастровых зон, городов и районов	Сельскохозяйственные угодья		
			орошаемые	богарные	
				Пашня и многолетние деревья	Пашня и многолетние деревья
1	2	3	4	5	6
1	Согдийской (без Зеравшанских групп районов)		35742	3499	1732
	1	Аштский	35685	3499	1545

	2	Бободжон Гафуровский	35735	3572	1732
	3	Ганчинский	15099	3648	1919
	4	Зафарабадский	41851	3499	1545
	5	Джаббор Расуловский	42373	3882	1919
	6	Исфара	39507	3499	2125
	7	Канибадам	39447	3499	1713
	8	Матчинский	41537	4113	1545
	9	Спитаменский	43108	4113	1545
	10	Истаравшан	16144	3881	2125
		Шахристанский	11650	3341	1919
1a		Зеравшанская группа городов и районов	72323	5751	1732
	1	Айнинский	68923	5785	1545
	2	Кухистони Мастчоҳ	68923	5785	1545
	3	Пенджикент	75471	5713	1919
	2	Гиссар	46626	10976	2445
	1	Душанбе	42025	10760	2562
	2	Варзобский	33709	11109	2327
	3	Гиссарский	53536	8290	2327
	4	Ваҳдат	33003	11818	2327
	5	Рудаки	42025	10760	2562
	6	Турсунзаде	51677	7666	2058
	7	Шахринавский	60056	8645	2562
	8	Файзабадский	36822	19218	2761
	3	Рашт	23829	12776	2413
	1	Раштский	23370	14421	2581
	2	Нурободский	20406	13651	2581
	3	Джиргитальский	23791	11124	2365
	4	Рогун	20406	12407	2581
	5	Тавильдаринский	24725	11254	2150
	6	Таджикабадский	27898	13325	2777
	4	Куляб	52880	15076	4661
	1	Балджуванский	21422	18838	3559
	2	Восейский	63067	16087	6653
	3	Дангаринский	40337	18838	3987
	4	Куляб	59327	16368	4218
	5	Мир Сайид Али Хамадони	59464	15399	4218
	6	Муминабадский	23224	19111	4449

	7	Нурек	35745	16036	2365
	8	Темурмалик	38877	18975	5108
	9	Фархорский	53365	14576	2223
	10	Ховалингский	21422	18838	6653
	11	Шуроободский	25295	17328	4661
5	Вахш		57807	18778	1843
	1	Носири Хусрав	56227	18778	1232
	2	Бохтарский	58567	13787	1843
	3	Вахшский	62823	22781	1634
	4	Хуросон	53168	19377	2049
	5	Джиликульский	66094	18778	1231
	6	Кубодиён	60588	18778	1634
	7	Джалолиддина Руми	65987	31771	1425
	8	Кумсангирский	62823	18778	1425
	9	Пянджский	65113	19377	2048
	10	Сарбанд	55679	13389	2048
	11	Абдурахмона Джами	55679	13389	2048
	12	Шаартузский	56227	18778	1232
	13	Яванский	35502	19573	2245
6	ГБАО (без зоны Мургаба)		20871	4164	1165
	1	Хорог	17553	4164	1130
	2	Ванчский	28250	4164	934
	3	Дарвазский	26904	4164	1330
	4	Ишкошимский	16549	4164	1130
	5	Рошткалинский	20871	4164	1130
	6	Рушанский	25900	4164	934
	7	Шугнанский	17553	4164	1130
	По республике		46832	10589	2486

Примечание: Нормативы возмещения потерь, связанных с изъятием земель из сельскохозяйственного оборота, в разрезе кадастровых зон городов и районов осуществляется с учетом:

- затраты на освоение новых орошаемых земель - 1 гектар – 50000 сомони;
- затраты на освоение богарных земель - 1 гектар - 25000 сомони;
- затраты на освоение сенокосов и пастбищ - 1 гектар – 25000 сомони;

Расчеты потерь, связанных с изъятием из оборота определены при 1 американского доллара = 4,75 сомони по состоянию на 1 сентября 2011.

к Порядку возмещения  
убытков землепользователю или пользователю  
других зарегистрированных прав, связанных с  
землей и потерь, связанных с выводом  
земель из оборота

АКТ

ОПРЕДЕЛЕНИЯ ПОТЕРЬ СЕЛЬСКОХОЗЯЙСТВЕННОГО ПРОИЗВОДСТВА, СВЯЗАННЫХ С ИЗЪЯТИЕМ  
ЗЕМЕЛЬ ИЗ СЕЛЬСКОХОЗЯЙСТВЕННОГО ОБОРОТА

от « \_\_\_\_ » \_\_\_\_\_ 20 \_\_\_\_ года

Председатель земельного комитета \_\_\_\_\_

область, город, район Ф.И.О

Землепользователь \_\_\_\_\_

юридическое или физическое лицо Ф.И.О

Заказчик \_\_\_\_\_

Должность Ф.И.О

Составили настоящий акт в том, что сего числа определена стоимость освоения новых земель взамен отводимых наименование предприятия (организации) под строительство общей площадью \_\_\_\_\_ га, из них \_\_\_\_\_ в соответствии с нормативами возмещения стоимости потерь сельскохозяйственного производства, утвержденным постановлением Правительства Республики Таджикистан от « \_\_\_\_ » \_\_\_\_\_ 20 \_\_\_\_ года, № \_\_\_\_ исходя из расчета за 1,0 гектара определена в \_\_\_\_\_ сомони \_\_\_\_\_ дирам.

Расчет:

Стоимость освоения новых земель взамен отводимых по объекту составляет \_\_\_\_\_

\_\_\_\_\_ сомони \_\_\_\_\_ дирам,

(прописью)

которые заказчик обязан перечислить на специальный счет казначейства Министерства финансов Республики Таджикистан.

Сертификат на право пользования землей будет выдан после компенсации суммы возмещения потерь сельскохозяйственного производства.

Подпись и печать сторон:

Председатель земельного комитета \_\_\_\_\_

Землепользователь \_\_\_\_\_

Заказчик \_\_\_\_\_

