

# LAND CODE OF THE REPUBLIC OF TAJIKISTAN

The present Code regulates land relations and shall be directed at the creation of conditions for the use and protection of land, improvement of soil fertility, preservation and improvement of the environment, and for the equal development of different forms of economic activity in Tajikistan.

## CHAPTER 1. BASIC PROVISIONS

### Article 1. Land legislation of the Republic of Tajikistan

Land legislation of the Republic of Tajikistan is based on Constitution of the Republic of Tajikistan and consists of present Code and other normative legal acts of the Republic of Tajikistan as well as international legal acts recognized by Tajikistan. (In RT Law edition dated 1.08.2012 No.891)

#### *Article 1<sup>1</sup>. Relations that are regulated by land legislation*

Land legislation regulates relations related to use and safeguard of lands as well as property relations in the area of land use that arise pursuant to receiving (acquisition) of right to alienate a use right to a land plot.

Relations related to using of natural resources, water, forest, flora and fauna, safeguarding of the environment, special natural areas, other natural habitat, and atmosphere air as well as special historic-cultural objects shall be regulated by the legislation of the Republic of Tajikistan. Norms of stated areas relating to land relations are applicable only in part where these relations are not regulated by land legislation. (In RT Law edition dated 1.08.2012 No.891)

#### *Article 1<sup>2</sup>. Basic concepts*

In present Code following concepts are used:

- land plot – part of land with defined rights relating to it, that has a defined category and an allowed type of its use, fixed boundaries, square area and location;
- land user – natural or legal person, to whom a land plot is allocated (acquired) with a right to alienate that use right or without a right to alienate that use right;
- Unified state land fund – total of land plots situated on the territory of the Republic of Tajikistan, which consist of defined land plot categories with their defined targeted purpose;
- land category – a part of Unified state land fund, that is allocated according to primary targeted purpose and that has a defined legal regime;
- targeted purpose of lands – use of land plots aimed to follow purposes indicated in the documents, that certify rights for a land plot;

- servitude –a right of a person and (or) persons for a limited use of land plot that is being used by another person, that had been state registered in an established order;

land use right to a land plot –acquired (or being acquired) according to present Code and civil legislation of the Republic of Tajikistan and state registered in an established order of right to fixed-term, perpetual or life-long inheritable use right that is allocated based on a lease agreement for a land plot in accordance to present Code or right of fixed-term, perpetual or life-long inheritable use to a land plot with a right to alienate. (In RT Law edition dated 1.08.2012 No.891)

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### *Article 1<sup>3</sup>. Main principles of land legislation*

Present Code and other normative legal acts of land legislation adopted according to it are based on the following principles:

- Safeguarding United state land fund, increasing quality and increase land fertility as the main natural resource;
- Providing for effective use of land;
- Providing for special protection, expansion and strict targeted use of agricultural lands;
- Organization of land use rights market, its effective functioning and prevention of monopolistic activity in the market of land use right;
- Rendering state support for carrying out activities on increasing fertility of agricultural goods, improving melioration state and safeguarding lands;
- Noninterference of government bodies into activity of natural and legal entities on acquisition, use and alienation of use rights to land plots except for instances provided for by present Code and legislation of the Republic of Tajikistan;
- Prevention of land damage and deterioration, safeguarding the environment and supporting ecological safety;
- Diversity of farm management forms, providing for equality among land users, protecting their legal rights and interests;
- Providing for equal rights for participants of land relations, protecting their legal rights and interests;
- Paid use of land;

Accessibility to information about land plots. (In RT Law edition dated 1.08.2012 No.891)

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## **Article 2. Land ownership**

Land in the Republic of Tajikistan is exclusively owned by the State. The State shall guarantee its use in the interests of its citizens.

The demand of land previously belonging to ancestors shall not be permitted.

Natural and legal persons of the Republic of Tajikistan can alienate of their use right to a land plot based on terms, conditions and within limits established by the present Code and the civil legislation. (In RT Law edition dated 1.08.2012 No.891)

Foreign natural and legal persons are allocated land plots for use without the right to alienate these use rights to land plots. (In RT Law edition dated 1.08.2012 No.891)

### *Article 2<sup>1</sup>. Objects of land relations*

Objects of land relations are:

- Land defined as a natural object and a natural resource;
- Land plots;

The right for receiving a land plot and a land share. (In RT Law edition dated 1.08.2012 No.891)

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### *Article 2<sup>2</sup>. Use right to a land plot as an object of civil rights*

Use right to a land plot with a right to alienate it, is a special object of civil legal relations and can be subject of buying/selling, gift, exchange, pledge and other transactions, as well as transferred to another person in order of inheritance or universal succession in accordance to the present Code and civil legislation.

To natural and legal persons of the Republic of Tajikistan use rights to land plots with a right to alienate is allocated by local executive government bodies of districts and cities free of charge or for payment.

Land plots use rights to which are received (acquired) with a right to alienate are used only according to their targeted purpose.

No one can be deprived of a use right to a land plot except for reasons provided for by present Code. (In RT Law edition dated 1.08.2012 No.891)

## **Article 3. The common state land fund**

All land in the Republic of Tajikistan comprises the common state land fund and, in accordance with its specified purpose, shall be divided into the following categories (In RT Law edition dated 05.01.2008 No.357):

- 1) land with an agricultural purpose;
- 2) land of populated areas (cities, settlements and villages);
- 3) land used for industrial, transportation, communication, defense and other purposes;
- 4) land for environmental protection, health improvement, recreation, historical and cultural purposes;
- 5) land of the state forest fund;
- 6) land of the state water fund;
- 7) land of the state reserve.

The category of the land shall be indicated in the following documents:

- a) the state land cadastre;
- b) the land use register;
- c) resolutions of executive government bodies on land allocation;
- d) documents authorizing land use rights. (In RT Law edition dated 28.02.2004 No.23)

#### **Article 4. Competence of the Majlisi milli and Majlisi namoyandagon of Majlisi Oli of the Republic of Tajikistan in area of regulating land relations**

1. To competence of Majlisi milli of Majlisi Oli of the Republic of Tajikistan in area of regulating land relations formation, abolition and alteration of borders for administrative and territorial units (for Gorno – Badakhshan autonomy region, for regions, for cities, districts, villages and settlements).

To competence of Majlisi namoyandagon of Majlisi Oli of the Republic of Tajikistan in area of regulating land relations formation of territories with special legal regime, establish and altering of its borders. (In RT Law edition dated 16.04.2012 No.819)

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#### **Article 5. Competence of the Government of the Republic of Tajikistan in area of regulating land relations**

The competence of the Government of the Republic of Tajikistan in area of regulating land relations shall include:

- a) withdrawal and allocation of land plots within the territory of the Republic of Tajikistan for nationwide needs; (In RT Law edition dated 1.08.2012 No.891)
- b) organization of the development and implementation of state and inter-state programs for land use, increasing soil fertility, protection of land resources as well as other environmental protection measures;
- c) coordination of the work of local executive bodies of state authority on the implementation of state programs for the use and protection of lands; (In RT Law edition dated 1.08.2012 No.891)
- d) ensuring in the development process and presentation before Majlisi namoyandagon of Majlisi Oli of the Republic of Tajikistan state budget financing for measures regarding the use and protection of lands; (In RT Law edition dated 16.04.2012 No.819)
- e) setting the boundaries of specially protected natural territories with consent of the relevant local executive government bodies;
- f) assertion of order for setting up public(forcible) servitudes on land plots; (In RT Law edition dated 1.08.2012 No.891)
- g) general land management, establishment of the procedure for organizing and maintaining the state land cadastre and land monitoring; (In RT Law edition dated 28.02.2004 No.23)
- h) approval of land management documentation related to the implementation of activities that are of state significance; (In RT Law edition dated 28.02.2004 No.23)
- i) establishment of order for allocation of use rights to land plots with the right to alienate free of charge and for payment to land users, sizes of land plots that are subject to allocation free of charge and for payment, minimal size for a land plot that is not subject for division, as well as the order for allocation (acquisition) and withdrawal of land plots; (In RT Law edition dated 1.08.2012 No.891)
- j) carrying out other competences provided for by the present Code. (In RT Law edition dated 1.08.2012 No.891)

**Article 6. Authorities of an authorized government body for regulating land relations (In RT Law edition dated 1.08.2012 No.891)**

To authorities of government body for regulating land relations the following apply: (In RT Law edition dated 1.08.2012 No.891)

- a) conducting and implementing land management;
- b) conducting the state land cadastre and land monitoring, composition and approval of sample books and other land cadastre documents; (In RT Law edition dated 05.01.2008 No.357)

- c) state control over the use and protection of the land, provision of instructions for eliminating the violations of land legislation that have been disclosed;
- d) improvement of the methods of land resource management within the framework of the current legislation;
- e) elaboration of drafts of normative and legal acts on state regulation of land relations;
- f) representation of the Government of the Republic of Tajikistan in international organizations in accordance with established procedure;
- g) control over the targeted use of funds earmarked for improving the condition of the land;
- h) elaboration and submission for approval of the land tax rates, calculation of losses and penalties for land legislation violation in accordance with established procedure;
- i) state registration in an established by legislation order of a land use right to a land plot and other rights thereto and issuance of documents certifying the right to use a land plot for land users, in accordance with established procedure; (In RT Law edition dated 05.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891)
- j) suspension of any type of construction, mining of mineral deposits and peat, exploitation of objects, forest irrigation, geological surveys, research, geodetic work and prohibition of land user activities if their actions violate the land legislation;
- k) submission of proposals for the abolition of acts contradicting the land legislation to the Government of the Republic of Tajikistan, local governments or courts;
- l) suspension of the execution of decisions on allocating land plots that contradict the land legislation of the Republic of Tajikistan until the decisions of the relevant bodies (higher executive government bodies, court) have been taken;
- m) correction and clarification of issues regarding state registration of the right to use a land plot and other rights thereto and regarding the issuance of corresponding documents; (In RT Law edition dated 05.01.2008 No.357)
- n) execution of other powers defined by the legislation of the Republic of Tajikistan. (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 05.01.2008 No.357)

**Article 7. Competence of local executive government bodies of Gorno-Badakhshan Autonomous Oblast, regions, cities, and districts (In RT Law edition dated 18.16.2008 No.405)**

The following issues of land relations shall fall under the jurisdiction of local executive government bodies of the Gorno-Badakhshan Autonomous Oblast, regions, cities and districts within their administrative boundaries in the field of regulating land-related issues (In RT Law edition dated 18.16.2008 No.405):

- a) organization and realization of land management, approval of land management documents related to implementation of activities of regional importance and land under their jurisdiction, conducting the state land cadastre and land monitoring; (In RT Law edition dated 28.02.2004 No.23)
- b) allocation of land plots for agricultural production;
- c) allocation, withdrawal and assignment of land for non-agricultural needs; (In RT Law edition dated 28.02.2004 No.23)
- d) protection of land user`s rights;
- e) termination of the right to use a land plot in accordance with Article 37 of the present Code (In RT Law edition dated 5.01.2008 No.357)
- f) provide for equal access of women and men to land plots; (In RT Law edition dated 1.08.2012 No.891)
- g) formation of minimal size of a rent payment for use of a land plot, formation of public(forcible) servitude on land plots; (In RT Law edition dated 1.08.2012 No.891)
- h) allocation of use right to land plots with the right to alienate free of charge or for payment to natural and legal persons of the Republic of Tajikistan in order that is established by the Government of the Republic of Tajikistan. (In RT Law edition dated 1.08.2012 No.891)

Adjoining land plots and personal supplemental land plots that are allotted in an established order shall be allocated by local executive government bodies of districts and cities. (In RT Law edition dated 18.06.2008 No.405)

#### **Article 8. Competence of jamoats**

The following issues of land relations shall fall under the jurisdiction of jamoats within the boundaries of settlements:

- a) submission of proposals to local executive government body of city and district for allocating land plots; (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 1.08.2012 No.891)
- b) establishment and approval of the tax on adjoining land within the rates specified in Article 71 of the present Code; (In RT Law edition dated 28.02.2004 No.23)
- c) composition of the inventory book, land user lists and land lease agreements, as well as the regulation of adjoining land and additional individual supplemental land; (In RT Law edition dated 5.01.2008 No.357)
- d) control over the use and protection of the land; (In RT Law edition dated 28.02.2004 No.23).
- e) Excluded (In RT Law edition dated 18.16.2008 No.405).

*Article 8<sup>1</sup>. Authorities of local executive government bodies of districts located within the administrative boundaries of cities and local executive authority of cities located within the administrative boundaries of districts (In RT Law edition dated 1.08.2012 No.891)*

The authority of local executive government bodies of districts(cities) located within the administrative boundaries of cities(districts) for regulating land relations shall include: (In RT Law edition dated 1.08.2012 No.891)

- a) submission of proposals to the local governments of cities (districts) for allocating land plots; (In RT Law edition dated 1.08.2012 No.891)
- b) allocation of land plots in accordance with Article 26 of this Code;
- c) control over the use and protection of the land (In RT Law edition dated 28.02.2004 No.23)

### **Article 9. Land categorization and the transfer of land from one category to another**

Land within the categories specified in Article 3 of the present Code and its transfer to another category shall be made in accordance with the procedure established by the Government of the Republic of Tajikistan. (In RT Law edition dated 28.02.2004 No.23)

Violation of provisions established by present Code and other normative legal acts on transferring lands from one category to another can be grounds for: (In RT Law edition dated 1.08.2012 No.891)

- a) recognizing as invalid the resolutions of executive regional government bodies in the field of regulating land relations;
- b) refusing the issuance of documents certifying the right of land use and registration of the right to use a land plot.

### *Article 9<sup>1</sup>. Transfer of land from one type to another within the category of agricultural land and state reserve land*

The decision to transfer arable land, land with perennial plantings, hayfields and grazing land with an agricultural purpose to a non-agricultural type of land and to transfer arable land and land with perennial plantings to hayfields and grazing land and to transfer all types of irrigated land to the category of dry land shall be made by the Government of the Republic of Tajikistan.

The decision to transfer hayfields and pastures and other types of land to arable land and land with perennial plantings regardless of land area, to transfer arable land to land with perennial plantings, to transfer land with perennial plantings to arable land, and to transfer all types of dry land to irrigated land shall be made by the local government of the district (city) (In RT Law edition dated 5.01.2008 No.357).



## Article 10. Land users

Land users in the Republic of Tajikistan are natural persons and legal entities.

Natural persons and legal entities may be primary or secondary land users.

Primary land users are legal entities and natural persons who have the right to use a land plot for perpetual, fixed-term or life-long inheritable use.

Secondary land users are natural persons and legal entities who use land plots under the terms of a lease agreement.

Natural entity that jointly with other natural entities possesses the use right to a land plot, acquires land use rights after realization of his\her right for allocation of a land plot according to his\her land share in real (locality). (In RT Law edition dated 1.08.2012 No.891)

For a land plot use right to which is received (acquired) with the right to alienate by land user – natural person during a marriage, provisions for joint ownership of spouses apply which are established by civil and family legislation. (In RT Law edition dated 1.08.2012 No.891)

### *Article 10<sup>1</sup>. The right of limited use of land plots of other land users*

The right of limited use of a land plot (hereafter -servitude) can be established on consent of parties hereafter - (private voluntary servitude (based on consent) or in case it's necessary on the basis of decision of local executive government body of cities or districts (hereafter - public (forcible) servitude)).

Public (forced) servitude can also be established by court following the claim of a person that requires establishment of servitude in case an agreement was not reached to establish private servitude (based on consent).

Public (forced) servitudes are established in cases if it is necessary to meet state interests and local population without withdrawal of land plots.

- Public (forcible) servitude can be established in the following cases:
- for passing by car through a land plot to places of general use, cemeteries, burials and other religious areas;
- for use of part of a land plot for communal repairs, engineering-technical, electrical and other lines of networks and objects of transportation infrastructure;
- for placement of landmark and geodesic signs and access points to them;
- for water intake, watering and livestock passage through land plot;
- For use of land plot for hunting, fishing in a water reservoir situated on a land plot, collection of wild plants in fixed time-frames and in stipulated order;
- For temporary use of a land plot for conducting exploration, research and other works;

- For free access to coastal line;
- In other cases related to public and state interests.

Private (voluntary) servitude on a land plot is established upon agreement of parties and in case of disputes among users of land plots it is carried out in the court order. The recommended form of agreement on private (voluntary) servitude is defined by the Government of the Republic of Tajikistan.

The user of a land plot that is encumbered by a public (forcible) or private (voluntary) servitude has a right to require a proportional payment from persons to whose interest the servitude is established.

In cases if the establishment of public (voluntary) servitude leads to inability to use the land plot, then the land user has a right to require its withdrawal including by buying it out from him the right for that land plot with compensation for his/her losses by local executive government body of city (district) or allocation of proportional land plot with compensation for losses.

In cases if establishment of public (forcible) servitudes lead to hardships in using land plots the land user has a right to require a proportional payment for it from the local executive government body of city (district) that had established the public (forcible) servitude.

Servitude remains in case of alienation of the right to a land plot or transfer of right to a land plot to lease or pledge to another person that is encumbered by servitude.

Servitude that comes about according to an agreement can be established for an undefined term or for the term that is defined in the agreement. Public (forcible) servitude can be terminated in case basis that it was established for pass on, according to decision of local executive government body of city (district) or court. (In RT Law edition dated 1.08.2012 No.891)

### **Article 11. Perpetual use of a land plot**

Perpetual use of a land plot is use without a previously fixed date.

Use of a land plot can be given for perpetual use to natural persons and legal entities of the Republic of Tajikistan (In RT Law edition dated 5.01.2008 No.357).

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

Plots of land for life-long inheritable use shall be allocated to natural persons or collectives, to citizens for organizing dehqan farms and traditional national crafts, as well as to citizens as an adjoining land plot (In RT Law edition dated 28.02.2004 No.23).

Land plots allocated under the right of life-long inheritable use shall be subject to re-registration in the event of inheritance.

Upon the transfer of citizens' supplemental land plots to legal entities, this land plot shall be given for perpetual use (In RT Law edition dated 5.01.2008 No.357).

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

Land plots may be allocated for fixed-term use to natural persons and legal entities (In RT Law edition dated 28.02.2004 No.23).

Fixed-term land use may be short-term (up to three years) and long-term (from three to twenty years, except for cases provided for by present Code. (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891).

### **Article 14. Land lease**

Land users may lease land plots by agreement. (In RT Law edition dated 1.08.2012 No.891)  
A lease agreement shall be concluded without changing the specified purpose of the land plot.

Land plots shall be allocated by lease for a period of up to 20 years agreed to between the land user and the lessee. Relations between land users regarding the lease of the land plot shall be conducted in accordance with the legislation of the Republic of Tajikistan (In RT Law edition dated 28.02.2004 No.23).

### **Article 15. State registration of land plots and use rights to land plots**

State registration of a land plot and use right to a land plot shall be carried out according to the Law of the Republic of Tajikistan "On state registration of immovable property and rights to it. (In RT Law edition dated 1.08.2012 No.891)

### **Article 16. Excluded. (In RT Law edition dated 1.08.2012 No.891)**

### **Article 17. Establishment of land use right**

Land use rights comprise:

- a) long-term, fixed-term and lifelong inherited land use right for a land plot – by a Certificate for land use right; (In RT Law edition dated 14.05.1999 No.746)
- b) right of lease of a land plot by a lease agreement. Information contained in the documents that ascertain land use right need to correspond with data entered in land registration book;
- c) the size of the land share shall be determined by the Certificate of Land Share; (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891)

The documents indicated in points "a" and "c" of this Article shall be subject to state registration in accordance with the procedure established by Article 15 of the present Code. (In RT Law edition dated 5.01.2008 No.357)

Lease agreements shall be subject to state registration only in the land registration book.

*Article 17<sup>1</sup>. Grounds for origination of use right to a land plot with a right to alienate it*

Grounds for origination of use right to a land plot with a right to alienate it are:

- allocation of a land plot with a right to alienate it based on the decision of the Government of Republic of Tajikistan or local executive government bodies;
- acquisition of a use right to a land plot in the market of land use rights in compliance with rules and regulations established by the Government of the Republic of Tajikistan;
- acquisition of a use right to a land plot with a right to alienate it in order of inheritance or universal succession;
- acquisition of a use right to a land plot with a right to alienate it as a result of civil-legal transactions and other grounds provided for by the legislation of the Republic of Tajikistan.

Upon exiting of a citizen that possesses a use right to a land plot with a right to alienate it from citizenship of the Republic of Tajikistan, this given right is subject to alienation for natural and legal persons of the Republic of Tajikistan.

In case for any reason alienation of a use right to a land plot with a right to alienate it is not possible or pursuant to the wish of this person whose citizenship is being terminated then land use right to a land plot with the right to alienate it is returned to local executive government body for a payment. Upon returning of a use right to a land plot with a right to alienate it the owner is paid a market value for his/her use right to a land plot with a right to alienate it. (In RT Law edition dated 1.08.2012 No.891)

*Article 17<sup>2</sup>. Limitations for transferring of use right to a land plot with a right to alienate it*

Use right to a land plot is not subject for alienation if it is occupied by the following objects:

- state national parks and natural reserves;
- buildings, constructions and structures that are used by bodies of state authority and administration;
- state enterprises;
- within limits of which water objects are situated;
- in which valuable objects of cultural heritage of ethnicities of the Republic of Tajikistan, historical-cultural reserves and objects of archeological heritage are held;
- kept for defense and security, defense industry, customs needs, allocated for communication and transportation needs, including airports, that are not mentioned in present article.

Use rights to following land plots are limited in circulation:

- within limits of specially protected natural territories, that are not indicated in part one of present article;
- lands of forest fund composition.

Alienation of use right to a land plot situated within limits of shore lines that are established according to the Water Code of the Republic of Tajikistan, as well as land plots on which there are ponds and lakes of public use are carried out in order that is established by the Government of the Republic of Tajikistan. (In RT Law edition dated 1.08.2012 No.891)

### **Article 18. Impermissibility of using a land plot prior to registration of the right of land use**

Starting to use a land plot prior to establishing the boundaries of the land plot on the ground by the relevant land management bodies and the issuance of documents certifying the right of land use shall be prohibited (In RT Law edition dated 28.02.2004 No.23).

#### *Article 18<sup>1</sup>. Devisable and indivisible land plots*

A land plot can be divisible and indivisible:

- devisable is a land plot that is without changing of its targeted purpose and violation of fire, sanitary, ecologic, construction and other mandatory norms and rules can be divided into separate parts, each of which after division would form an independent land plot;
- indivisible is a land plot that is without changing of its targeted purpose and violation of fire, sanitary, ecologic, construction and other mandatory norms and rules cannot be divided into independent land plots. Indivisibility of a land plot shall be reflected in the document that confirms use right to a land plot.

Use right of a separated part of a land plot allotted after division occurs from the moment of state registration of rights to it.

Minimal size of a land plot that is not subject for division is determined by the Government of the Republic of Tajikistan depending on its` administrative-territorial structure, category and purpose. (In RT Law edition dated 1.08.2012 No.891)

## **CHAPTER 2. RIGHTS AND OBLIGATIONS OF LAND USERS**

### **Article 19. Rights of primary land users**

Primary land users have the right to:

- manage the land plot on their own;
- own the agricultural production and income from its sale;

- use general natural resources: peat, forests, water sources, as well as exploit other useful land features for the needs of the household in accordance with normative legal acts of the Republic of Tajikistan established procedure;
- construct dwellings, production buildings, buildings providing cultural activities and public amenities, and other structures and buildings according to the requirements of the present Code;
- own the crops and agricultural plantation;
- execute civil-legal transactions (buying-selling, gift, exchange, mortgage and other) with allocated (acquired) use right to a land plot with a right to alienate it independently without interference of executive government bodies, except for provisions of present Code; (In RT Law edition dated 1.08.2012 No.891)
- lease the land plot;
- establish private (based on consent) servitude to a land plot; (In RT Law edition dated 1.08.2012 No.891)
- create and sign a servitudes on the basis of a contract;
- mortgage the right to a land plot;
- receive compensation in the event of withdrawal of the right to use the land plot for state and public need in accordance with Article 41-43 of the present Code;
- refuse the land plot voluntarily (In RT Law edition dated 5.01.2008 No.357).

### **Article 20. Rights of secondary land users**

Secondary land users have the right to:

- use the land in accordance with the terms of its assignment;
- with consent of the leaseholder to sub-lease leased land plot;
- use general natural resources: peat, forests, water sources, as well as exploit other useful land features for the needs in accordance with established procedure;
- receive compensation for the cost of improvements in the condition of the land made at their own expense in the event of early termination of the lease agreement(In RT Law edition dated 29.02.2004 No.23),In RT Law dated 5.01.2008 No.357).

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

Land users are obliged to:

- use the land in accordance with its specified purpose;

- utilize the allocated plot efficiently, use environmental protection technologies that will not allow the deterioration of the ecological and environmental conditions in the area of activity;
- implement the set of measures on land protection provided for by Articles 51 and 52 of the present Code;
- pay the land tax or lease payment on time;
- not violate the rights of other land users;
- provide information on land condition and its use to appropriate government bodies established by legislations of the Republic of Tajikistan (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 1.08.2012 No.891);
- take care of and protect the land-surveying signs, geodetic and other special signs (In RT Law edition dated 5.01.2008 No.357).

### **CHAPTER 3. ALLOCATION OF LAND**

#### **Article 22. Procedure of land allocation**

Land plots in the Republic of Tajikistan are allocated to natural and legal persons by local executive government bodies.

Order for allocation of land plots is determined by the Government of the Republic of Tajikistan.

Limiting (maximal and minimal) sizes of land plots from lands of various purposes, that are allocated into use to natural and legal persons of the Republic of Tajikistan with a right to alienate it, are established by the Government of the Republic of Tajikistan except for cases provided for by article 71 of present Code. (In RT Law edition dated 1.08.2012 No.891)

#### **Article 23. Allocation of land for agricultural needs**

Land suitable for agricultural needs shall be allocated to natural persons and legal entities for production of agricultural goods (In RT Law edition dated 5.01.2008 No.357).

Use right to a land plot of agricultural purpose with a right to alienate it is allocated only to natural and legal persons of the Republic of Tajikistan that directly participate(engage) in agricultural production. (In RT Law edition dated 1.08.2012 No.891)

The suitability of land for agricultural needs shall be determined by the authorized state body for regulating land relations and its local bodies on the basis of soil, geobotanical, water conservation, agro-economic and other analyses (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 1.08.2012 No.891).

#### **Article 24. Allocation of land plots for non-agricultural needs**

Land plots unsuitable for agricultural production, or agricultural land of poor quality, which, according to the cadastral valuation, does not exceed the average level for the district, shall be allocated for non-agricultural needs.

The allocation of land plots for constructing populated areas shall be made after receiving the opinion of authorized state bodies for geology. The allocation of land plots for construction in areas with mineral deposits shall be made with the agreement of the bodies of state supervision over industrial works and mountain supervision. (In RT Law edition dated 1.08.2012 No.891)

Natural persons and legal entities conducting geological research, geodetic and other temporary research licensed in accordance with the legislation of the Republic of Tajikistan shall use the land plots in order to conduct this work with the agreement of the land users and local governments without the land plots being withdrawn from the land users.

The losses and expenses for restoring the damaged land caused to the land user by the temporary use of the land plot shall be paid by the natural persons and legal entities that occupied these land plots in accordance with the requirements of the present Code. If the rights to exploit mineral deposits by natural persons and legal entities shall be terminated, the land plot must be restored and returned to the primary land user in accordance with established procedure (In RT Law edition dated 5.01.2008 No.357).

#### **Article 25. Allocation of land to foreign citizens and foreign legal entities**

Land plots, can be allocated to foreign citizens and foreign legal entities for fixed-term use for a period of 50 years. (In RT Law edition dated 28.02.2004 No.23).

Lands, of agricultural purpose and lands under special protection areas and of agricultural purpose shall not be allocated to foreign citizens and foreign legal entities. (In RT Law edition dated 1.08.2012 No.891)

Upon transferring of a use right to a land plot of agricultural purpose with a right to alienate it to a foreign natural or legal person, this right is subject for alienation to natural or legal person of the Republic of Tajikistan within one year from the moment of acquisition of a use right to a land plot. (In RT Law edition dated 1.08.2012 No.891)

If for any reason alienation of use right to such land plot to natural or legal person of the Republic of Tajikistan is not possible this use right to a land plot is transferred to local executive government body for payment of market value of that use right to a land plot. (In RT Law edition dated 1.08.2012 No.891)

In case of unfulfillment of terms mentioned in part three and four of present article withdrawal of a land plot the right of use of which was transferred to a foreign natural or legal person is carried out in the court order. (In RT Law edition dated 1.08.2012 No.891)

#### **Article 26. Allocation and assignment of land plots by local executive government bodies of districts, cities and regions.**



Local executive government bodies of districts and cities, with the agreement of the local body on land management shall allocate land plots for perpetual, fixed-term, and life-long inheritable use and lease, from the following land categories:

- a) agricultural purposes lands and lands from the state fund of agricultural needs without regard to the size of the land plot and for non-agricultural needs, except for the type of land specified in Article 29 of the present Code, in the amount of up to 10 hectares;
- b) lands from the state forest fund and state water fund, except for forest lands of the first category for agricultural needs, in the amount of up to 10 hectares and for non-agricultural needs, with regard to requirements given in Article 97 of the present Code, except for the types of lands specified in Article 29 of the present Code, in the amount of up to 5 hectares;
- c) lands of populated areas (cities, settlements and villages), except for the types of lands specified in Article 29 of the present Code relative to this category, in the amount of up to 10 hectares;
- d) lands for industry, transportation, communication, defense and other categories, in the amount of up to 10 hectares;
- e) lands for environmental protection, health improvement, recreational, used for historical and cultural purposes, without changing the specified purpose of each type of land, in the amount of up to 5 hectares.

Assignment of land plots shall be made without regard to the size of the land plot.

Local executive government bodies of the Gorno-Badakhshan Autonomous Oblast and regions shall allocate land plots for perpetual and fixed-term use from the types of lands from all categories, except for the lands specified in Article 29 of the present Code, in the amount of up to 20 hectares, with the consent of the local executive government bodies of districts (cities) and the local bodies on land management (In RT Law edition dated 5.01.2008 No.357).

#### *Article 26<sup>1</sup>. Allocation of land plots by the Government of the Republic of Tajikistan*

The Government of the Republic of Tajikistan, with the consent of the local executive government bodies of districts, cities and regions and authorized state body for regulating land relations, shall allocate land plots for perpetual, fixed-term use and lease from all land categories and types of land without regard to their size (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891).

#### **Article 27. Transfer of the right to use a land plot and its assignment**

Upon transfer of property right to a building (structure, construction) to an acquirer of the building (structure, construction) use right to a part of land plot on which mentioned building (structure, construction) is situated is also transferred to the acquirer free of charge, as well as part of land plot adjoining to it needed for exploitation and service of the building (structure, construction). Part of land plot that exceeds the territory that is needed for exploitation and

service of the building (structure, construction) is subject for transfer for a payment in the order defined by the Government of the Republic of Tajikistan. (In RT Law edition dated 1.08.2012 No.891)

In such an event, the land plot previously allocated in accordance with established procedure cannot be re-allocated, and the authorized state body for regulating land relations and its local bodies shall allocate it to the person who is receiving the right to use the land plot. (In RT Law edition dated 1.08.2012 No.891)

If the specified purpose of the assigned land should be changed, document certifying the right to land use shall be re-registered in accordance with established procedure by the authorized state body for regulating land relations and its local bodies. (In RT Law edition dated 25.03.2011 No.704)

In the event of incomplete use of the land plot upon which these constructions and buildings are located, the right to use the unused land plot shall be terminated.

When the right of ownership of housing is transferred to another person, the right to use the adjoining land plot is transferred at the same time (In RT Law edition dated 28.02.2004 No.23).

#### *Article 27<sup>1</sup>. Mortgaging of a land use right to a land plot*

Primary land users may mortgage their land use rights.

The period of the mortgage of right to use a land plot shall not exceed the period of land use of the pledged land plot.

Pledge of use right to a part of a land plot is not allowed, if that part is not separated into a separate land plot and use right to it with the right to alienate it is not acknowledged by a document that confirms its state registration. (In RT Law edition dated 1.08.2012 No.891)

The procedure and specifications of mortgaging a right to use a land plot shall be defined by Law of the Republic of Tajikistan "On Mortgage". (In RT Law dated 5.01.2008 No.357).

#### **Article 28. Determination and clarification of the boundaries of the land plot on the ground**

When allocating a land plot, the actions to clarify and determine the boundaries of the land plot on the ground shall be conducted by the authorized state body for regulating land relations in accordance with the legislation of the Republic of Tajikistan (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 5.01.2008 No.357).

#### **Article 29. Specifications for allocating separate types of land for non-agricultural needs**

When necessary allocating separate types of land from the following categories of land shall be implemented only by the Government of the Republic of Tajikistan:

- a) from the category of land with an agricultural purpose and state fund (arable land, land with perennial plantings, nurseries, hayfields and pastures);
- b) from the category of land of populated areas (national parks, recreational parks, botanical gardens and other types of gardens, forests of the first category, natural monuments, objects for health improvement, land with a historical and cultural purpose, scientific and experimental sites, scientific research institutions, except lightly-built structures without a specific use, to serve this land and citizens);
- c) from the category of land of the state forest fund and the state water fund (arable land, land with perennial plantings, plantations, nurseries, hayfields and pastures and land of the first category) (In RT Law edition dated 5.01.2008 No.357).

### **Article 30. Procedure for allocating land plots for non-agricultural needs**

The allocation of a land plot for non-agricultural needs is carried out in one step according to procedure stipulated by present Code.

In case of refusal of land plot allocation the applicant is notified in written form within three days of decision.

Unfounded refusal on land plot allocation as well as failure to follow order on land plot allocation can be appealed in an authorized government body or in court. (In RT Law edition dated 25.03.2011 No.704)

### **Article 31. Excluded (In RT Law edition dated 5.01.2008 No.357)**

## **CHAPTER 4. PAYMENT FOR LAND**

### **Article 32. Payment for land use**

Payment shall be given for the use of land in the Republic of Tajikistan. The payment for land shall be collected annually in the form of land tax, rental fee and in accordance with the established periods. (In RT Law edition dated 28.02.2004 No.23)

### **Article 33. Rates, taxation procedure, and rental fee for land**

The land tax and its rate shall be determined by the Tax Code of the Republic of Tajikistan (In RT Law edition dated 12.05.2001 No.15).

The rental fee for agricultural land shall be determined depending on the quality and location of the land plot, taking into consideration the cadastral valuation (In RT Law edition dated 12.05.2001 No.15).

The rates of payment for the use of other types of land shall be determined taking into consideration their location, character of use, ecological, social and economic specificities.

The assessment of land in the Republic of Tajikistan for determining the standard cost of land for objective taxation and payment of rental fees shall be carried out in accordance with the Law of the Republic of Tajikistan "On Land Valuation" (In RT Law edition dated 28.02.2004 No.23).

Appraisal of market value of use right to a land plot with the a right to alienate it as an object of civil legal relations in the Republic of Tajikistan is carried out in order defined by normative legal acts of the Republic of Tajikistan. (In RT Law edition dated 1.08.2012 No.891)

#### **Article 34. Receipt of payment for land**

The land tax shall be distributed in accordance with the Tax Code of the Republic of Tajikistan (In RT Law edition dated 12.05.01No.15).

The rental fee shall be paid to the primary land user in accordance with the procedure established in the lease agreement (In RT Law edition dated 12.12.97No.498).

#### **Article 35. Privileges in collecting the land tax**

Issues regarding the determination of the privileges in collecting the land tax shall be regulated by the Tax Code of the Republic of Tajikistan. (In RT Law edition dated 12.05.2001 No.15)

#### **Article 36. Use of funds paid for land**

The funds paid for land, distributed in accordance with the legislation of the Republic of Tajikistan, shall be used for financing the measures of land protection and improving soil fertility, developing new land, conducting work for regulating land (including work on determining and clarifying the boundaries of the land plots on the ground, drafting their maps and schematic diagrams, equipping the state service on land regulation), developing the state land cadastre, conducting land monitoring, and providing state control over the use and protection of land (In RT Law edition dated 12.05.2001 No.15).

### **CHAPTER 5. TERMINATION OF THE RIGHT OF LAND USE**

#### **Article 37. Grounds for terminating the right to use a land plot**

The right to use a land plot or a part of it shall be terminated in the following cases:

- a) written refusal of the land plot signed by the land users;
- b) the land user terminate their activities;
- c) non use of a land plot for agricultural needs during two years and delaying construction on nonagricultural lands for three years;
- d) use of the land plot contrary to its specified purpose indicated in the documents certifying the right of land use to a land plot;
- e) use of a land plot in a manner that leads to a decrease in soil fertility, chemical, radioactive and other pollution and deterioration of its ecological structure;
- f) expiration of the term for which the land plot was allocated;

- g) withdrawal of land for state and public need in the cases provided for by the present Code (In RT Law edition dated 5.01.2008 No.357).
- h) exiting from a dekhqan farm membership on grounds provided for by the legislation of the Republic of Tajikistan. (In RT Law edition dated 1.08.2012 No.891)

Upon termination of a use right to a land plot with a right to alienate it in circumstances defined in part one of present article a market value of the use right to a land plot with a right to alienate it is paid to the land user. (In RT Law edition dated 1.08.2012 No.891)

### **Article 38. Withdrawing land for state and public need**

The withdrawal of land for state and public need shall be carried out only in exceptional cases, in the absence of other options about where to locate a structure, connected to:

- 1) fulfillment of an international obligation of the Republic of Tajikistan ratified in accordance with established procedure;
- 2) creation of new populated areas, expansion of cities and settlements;
- 3) placement of the following objects:
  - objects of defense and security;
  - objects of transportation infrastructure: motorways, streets, bridges, tunnels, trestle bridges and other transportation engineering objects, objects of communication;
  - objects of electric, gas, heat and water supply and objects of wastewater disposal;
  - schools, libraries, hospitals, cemeteries, parks, sports facilities and other social needs, and state buildings serving state and public need;
- 4) discovery of mineral deposits;
- 5) protection of monuments and objects possessing archaeological, historical or scientific value, in such cases when they are at risk of being damaged or disappearing (In RT Law edition dated 5.01.2008 No.357).

### ***Article 38<sup>2</sup>. Conditions and the order for a person to voluntarily refusal of use rights to a land plot***

Voluntary refusal of a use right to a land plot is carried out by means of submission of an application for refusal to the local executive government body by the land user.

Local executive government body makes a decision about the termination of the use right to a land plot within one month from the date of application submission by the land user.

The decision on the termination of the right to land plot is sent to the authorized body related to state registration of immovable property and rights to it for state carrying out the registration of termination of land use rights.

In case if use right to a mentioned land plot is transferred (acquired) with a right to alienate, then a market value for a land use right is paid to the land user by local executive government body within one month period. (In RT Law edition dated 1.08.2012 No.891)

*Article 38<sup>1</sup>. Acceptance of the decision for withdrawing land for state and public need*

The decision to withdraw land for state or public need shall be taken by the local state governments of districts, cities, regions and the Government of the Republic of Tajikistan.

In the event of disagreement over the decision of the withdrawal of the land plot, the land user or the user of other registered rights regarding land has the right to apply to the court.

The reasons for taking a decision on the withdrawal of land for state and public need shall be approved in accordance with established procedure in accordance with urban planning documentation and other project draft documentation justifying the necessity and the technical and economic calculations for the withdrawal of the land plot.

The decision on the withdrawal of the land plot for state or public need shall be taken after approval of the respective draft projects (In RT Law edition dated 5.01.2008 No.357).

**Article 39. Decision to terminate the right to use a land plot**

The decision to terminate the right to use a land plot in accordance with the grounds provided for by points “a”, “b”, “f” and “g” of Article 37 shall be taken by local state government executive bodies of district (city).

The decision to terminate the right to use a land plot in accordance with the grounds provided for by points “f” and “g” of Article 37 of the present Code shall be executed after the cropping cycle.

Compulsory termination of a use right to a land plot on basis defined in points “c”, “d” and “e” of article 37 in the present Code can be done only on the basis of a court decision. Local government executive bodies or authorized state body for regulating land relations have rights to go to the law about compulsory termination of use rights after their application of administrative measures and written letter to land user concerning elimination of violations within three months. State registration of alienation of use right to a land plot in the case of compulsory termination can be done on the basis of a court decision with compensation of market value of that use right to a land plot. (In RT Law edition dated 1.08.2012 No.891)

Notification of the decision to terminate the right of land use shall be given to all land users by the body that accepted the decision in accordance with the legislation of the Republic of Tajikistan.

Land plots whose right of use has been terminated shall be included in the special land fund of the district (city), reserve land of district (city), or shall be returned to former land users.

As a rule, agricultural land whose right of use has been terminated shall be included in the special land fund of the district (city).

Land allocated for non-agricultural use and whose right of use has been terminated shall be included in the reserve land of the district (city) (In RT Law edition dated 5.01.2008 No.357).

**Article 40. Terms for withdrawing land for state and public needs(In RT Law edition dated 1.08.2012 No.891)**

The land user and user of other rights regarding land must be notified in writing by local executive government body no later than one year before the pending withdrawal of the land. (In RT Law edition dated 1.08.2012 No.891)

The land user or user of other rights regarding land whose land plot is subject to withdrawal for state or public need is entitled to exercise his rights to the land plot for using the plot in accordance with its specified purpose until the court has rendered a decision (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891).

*Article 40<sup>1</sup>. Awareness regarding withdrawal of a land plot for state and public need*

The process of withdrawing a land plot for state and public need shall be transparent.

All decisions regarding the withdrawal of a land plot for state and public need shall be published in state-owned newspapers in the State and Russian languages within five days from the day they were taken by the state body.

All decisions on urban planning documentation shall be published in accordance with the procedure defined by this article. Projects of an architectural and urban planning character, including general construction plans, shall be put on general display as detailed models in public places defined by local state government bodies during the entire period of their construction. These models shall be put on general display within 10 days from the moment of their approval (In RT Law edition dated 5.01.2008 No.357).

**CHAPTER 6. COMPENSATION FOR LOSSES TO LAND USERS AND LOSSES CONNECTED TO THE REMOVAL OF LAND FROM CIRCULATION (IN RT LAW EDITION DATED 5.01.2008 NO.357)**

**Article 41. Compensation for losses incurred by land users or users of other registered rights connected to land when the land plot is withdrawn for state and public need**

The withdrawal of land plots for state and public need from land users and users of other registered rights regarding land may be made after:

- a) allocation of a land plot of equal value;
- b) construction of housing, production, and other buildings with the same purpose and same value, instead of withdrawal, in a new location by the natural persons and legal

entities to whom the land plot had been allocated, in accordance with established procedure, or cash payment;

- c) full compensation for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.

Upon the withdrawal of land plots for state and public need all losses shall be calculated according to the market price, which shall be defined by taking into consideration the location of the land plot and shall be paid by persons in whose favor the land has been withdrawn.

Annulment of use right to a land plot with a right to alienate it for state and public needs can be carried out after allotment to the land user of equal land plot with the right to alienate it and compensation of other expenses provided for by part one of present article. (In RT Law edition dated 1.08.2012 No.891)

In the event of disagreement of the land user with the amount and terms of compensation, he has the right to appeal to the court (In RT Law edition dated 5.01.2008 No.357).

#### **Article 42. Compensation for losses connected to the removal of land from circulation**

Compensation for losses connected to the removal of land from circulation shall be paid by natural persons and legal entities that were granted this land for non-agricultural purposes.

The losses connected to the removal of land from circulation shall be calculated on the basis of the standard costs for developing new land and improving the condition of existing land in order to produce agricultural products in an amount not less than that which is currently being produced on the land plots being withdrawn or that which was previously produced before losing their quality (In RT Law edition dated 5.01.2008 No.357).

#### **Article 43. Procedure for compensation of losses to land users or users of other registered rights regarding land and losses connected to the removal of land from circulation**

In the event of withdrawal of a land plot for state and public need, compensation for losses to land users or users of other registered rights regarding a land plot and losses connected to the removal of land from circulation shall be made by natural and legal persons whose activity led to the necessity of the withdrawal prior to the withdrawal.

In the event of withdrawal of a land plot for state and public need, the procedure for compensation of losses to land users or users of other registered rights regarding a land plot and losses connected to the removal of land from circulation shall be defined by the Government of the Republic of Tajikistan (In RT Law edition dated 5.01.2008 No.357).

#### **Article 44. Use of funds received in accordance with the procedure for compensation of losses connected to the removal of land plots from circulation**



Funds received in accordance with the procedure of compensation for losses connected to the removal of land plots from circulation shall be transferred to a special state budget account and spent in accordance with the Article 36 of the present Code (In RT Law edition dated 5.01.2008 No.357).

**Article 45. Exemption from compensation for losses connected to the removal of land from circulation (In RT Law edition dated 5.01.2008 No.357)**

Compensation for losses connected to the removal of land from circulation and forestry, shall not be paid for the withdrawal of land plots: (In RT Law edition dated 1.08.2012 No.891)

- for adjoining land plots; (In RT Law edition dated 28.02.2004 No.23)
- for cemeteries;
- for water and irrigation objects in the event of the development of new land or reconstruction of irrigation, collector and drainage networks;
- for schools, boarding schools, children's homes and healthcare institutions;
- in other cases defined by the Government of the Republic of Tajikistan. (In RT Law edition dated 28.02.2004 No.23)

**CHAPTER 7. PROTECTION OF LAND RIGHTS(IN RT LAW EDITION DATED 5.01.2008 NO.357).**

**Article 46. Protection of land rights(In RT Law edition dated 5.01.2008 No.357).**

The protection of land rights shall be carried out in accordance with the procedure established by civil legislation, the present Code and other laws including by the means of: (In RT Law edition dated 5.01.2008 No.357), which includes:

- a) recognizing land rights;
- b) prohibiting the interference of the state and other land users with the activities of land users, except in cases of a violation of land legislation by land users;
- c) establishing in the law a comprehensive list of the cases for terminating or restricting land rights by the state;
- d) establishing in the law guarantees for protecting land rights in the event of their termination or restriction.

**Article 47. Treatment of land disputes**

Land disputes arising from land relations shall be treated by the court in accordance with the procedure established by the legislation of the Republic of Tajikistan. (In RT Law edition dated 5.01.2008 No.357)

**Article 48. Excluded (In RT Law edition dated 5.01.2008 No.357)**

## **Article 49. Recognition of rights to a land plot**

Recognition of rights to a land plot upon absence of right certifying document based on a court order on acknowledging ownership right for an immovable property that is situated on this land plot is carried out by authorized state body for regulating land relations with following requirements of present Code. (In RT Law edition dated 25.03.2011 No.704, In RT Law edition dated 1.08.2012 No.891).

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

A violated right shall be restored in the following cases:

the authorized state body for regulating land relations invalidates an act in non-compliance with the legislation and that infringes upon the land rights and interests of land users protected by the law; (In RT Law edition dated 1.08.2012 No.891).

- a)
- b) unauthorized occupation of the land plot;
- c) in other cases provided for by the laws and other legal and normative acts of the Republic of Tajikistan.

## **CHAPTER 8. PROTECTION OF THE LAND**

### **Article 51. Goals and objectives of land protection**

Protection of the land includes the system of legal, economic and other measures, aimed at the protection of the land when being used, conservation of the soil, and prevention of land degradation and prevention of the unjustified withdrawal of the most valuable land from agricultural use, as well as the restoration and improvement of soil fertility. (In RT Law edition dated 5.01.2008 No.357)

Protection of the land shall be carried out on the basis of a complex approach to land as complicated natural phenomena (ecosystems) taking into consideration their zonal and regional specificities and shall have the following aims:

- to prevent the degradation and destruction of the land, other unfavorable consequences of economic activity;
- to ensure improvement and restoration of land affected by degradation or destruction;
- to create a mechanism of registration and examination of the ecological conditions of the land, as well as to provide land users with ecological standards, approved in accordance with the procedure established by the Government of the Republic of Tajikistan.

### **Article 52. Measures of land protection (In RT Law edition dated 5.01.2008 No.357)**

For protection and safeguarding purposes land users shall provide for the following: (In RT Law edition dated 1.08.2012 No.891).

- rational organization of the territory;
- restoration and improvement of soil fertility, as well as other characteristics of the land;
- protection of the land from water and wind erosion, mud flows, waterlogging, bogging, hardening, salinization, contamination of the soil with waste products, chemical and radioactive materials, from other destructive processes;
- protection from overgrowth of agricultural land by shrubs and undergrowth, other processes that deteriorate that cultural and technical condition of the land;
- re-cultivation of damaged land, restoration of its fertility and other useful characteristics of the land, and its timely introduction into agricultural use;
- removal, use and preservation of the fertile soil layer during activities that damage the land.

If it is impossible within a short period of time to restore the soil fertility of damaged agricultural land, as well as land polluted with chemical and radioactive materials in excess of allowable limits, the land shall be conserved in accordance with the procedure established by the Government of the Republic of Tajikistan.

#### **Article 53. Ecological requirements for locating, designing, constructing and putting into use objects, buildings and structures**

Locating, designing, constructing and putting into use new and reconstructed objects, buildings and structures, as well as introducing new technologies that negatively affect the condition of the land, shall provide for and take measures to protect the land to meet ecological, sanitary, hygienic and other special requirements provided for by the legislation in accordance with the procedure established by the Government of the Republic of Tajikistan. (In RT Law edition dated 5.01.2008 No.357)

#### **Article 54. Economic stimulation for the use and protection of land(In RT Law edition dated 5.01.2008 No.357)**

**Economic stimulation for the protection of land shall be aimed at increasing the interest of land users in preserving and reproducing soil fertility, as well as protecting against the negative consequences of industrial activity and shall include: (In RT Law edition dated 5.01.2008 No.357)**

- a) the allocation of funds from state and local budgets, as well as the use of funds from fines paid to special accounts for the restoration of land not damaged by users of this land, and for agro-technical, forest reclamation and other soil preservation measures;

- b) exemption from payment for land plots that are in the process of being adapted to agricultural use or being improved, for the a period of time provided for by the project activities;
- c) granting preferential loans for measures for improving the condition and organization of land use;
- d) partial compensation from budgetary funds for the reduction in income that has resulted from the temporary conservation of damaged land plots, when not the fault of the land users;
- e) incentives for improving the quality of the land, improving soil fertility and the productivity of the land of the state forest fund, producing ecologically pure products.

## **CHAPTER 9. STATE CONTROL OVER THE COMPLIANCE WITH LAND LEGISLATION, LAND USE AND PROTECTION OF LAND**

### **Article 55. Bodies exercising state control over land use and protection of the land**

**State control over land use and protection of the land shall be exercised by the authorized state body for regulating land relations and its field departments and the authorized state body on environmental protection of the Republic of Tajikistan. (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891)**

The procedure for exercising state control over compliance with land legislation, and protection of the land and the distribution of functions between the bodies exercising state control, and their position, shall be determined and approved by the Government of the Republic of Tajikistan.

### **Article 56. Tasks of state control over compliance with land legislation, land use, and protection of the land**

The tasks of state control over compliance with land legislation and protection of the land shall include the implementation of land legislation, observance of special requirements (norms, rules, standards), and implementation of measures on land use and land protection by all land users, state bodies, public officials, natural persons and legal entities, not depends from their legal form (In RT Law edition dated 5.01.2008 No.357).

## **CHAPTER 10. LAND MANAGEMENT, THE STATE LAND CADASTRE AND MONITORING OF LAND**

### **Article 57. Concept of land management (In RT Law edition dated 5.01.2008 No.357)**

Land management includes a system of measures that provides territorial regulation of land relations, study, planning, organization of land use and protection of the land, creation of new

and regulation of existing land use, land funds, administrative and territorial units and other objects of land management with designated boundaries, development of the territory of agricultural enterprises and improvement of natural landscapes.

Regulation of the relations regarding land management shall be carried out in accordance with the Law of the Republic of Tajikistan “On Land Management” (In RT Law edition dated 28.02.2004 No.23).

**Article 58. Excluded (In RT Law edition dated 28.02.2004 No.23)**

**Article 59. Excluded (In RT Law edition dated 28.02.2004 No.23)**

**Article 60. Excluded (In RT Law edition dated 28.02.2004 No.23)**

**Article 61. Contents and purpose of the state land cadastre**

The state land cadastre encompasses the unified automated system of land cadastre information and the land cadastre process.

The purpose of the state land cadastre is to receive reliable information about the natural, legal and economic condition of the common state land fund.

The state land cadastre shall contain information about the land for the organization of its rational use and protection, regulation of land relations, establishment of the bases for land payments, land management, and valuation of economic activities. It shall be one of the management functions over the common state land fund of the Republic.

The state land cadastre shall be conducted by the authorized state body for regulating land relations and its field departments in accordance with a unified system for the Republic of Tajikistan financed by proceeds from land payments (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 1.08.2012 No.891).

The procedure for conducting the state land cadastre shall be established by the Government of the Republic of Tajikistan. The bodies and officials implementing the state land cadastre shall be obliged to ensure the reliability of the information included in the cadastre documentation and provide this information to interested legal entities as well.

**Article 62. Land cadastre process**

The land cadastre process shall be carried out with the purpose of periodic or continuous renewal of land cadastre information.

The land cadastre process shall include the following parts:

- state registration of land use;
- registration of the quantity and quality of the land;
- evaluation of the soil;
- economic valuation of the land.

The land cadastre process shall be realized from the air and from space, by topographic and geodetic, cartographic, soil, geo-botanical, land improvement and other forms of research and analysis.

### **Article 63. Land monitoring**

Land monitoring is the systematic observation (surveying, research, and analysis) of the condition of the land, identification of ongoing changes and their valuation.

The tasks of land monitoring shall include:

- a) timely identification of changes in the condition of the land, their evaluation, projection, and development of recommendations for preventing and removing the negative consequences of these processes;
- b) informational support for conducting the state land cadastre, rational land use, land management, control over the use and protection of the land, and other functions of state management over the land resources of the Republic of Tajikistan.

## **CHAPTER 11. LAND WITH AN AGRICULTURAL PURPOSE**

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

All land used for agricultural needs shall be considered land with an agricultural purpose.

Arable land, land with perennial plantings, deposits, hayfields and pastures, land used for inter-farm roads, communication, water reservoirs, hydro-technical facilities and buildings used for production, storage and the initial processing of agricultural products, as well as other non-agricultural land located within land of this category, shall be referred to as land with an agricultural purpose. (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 5.01.2008 No.357)

### **Article 65. Allocation of land with an agricultural purpose**

Land with an agricultural purpose shall be allocated to:

legal entities and natural persons for agricultural production; (In RT Law edition dated 28.02.2004 No.23).

legal entities and natural persons for growing fruits and vegetables; (In RT Law edition dated 28.02.2004 No.23).

- 
- excluded (In RT Law edition dated 18.06.2008 No.405)
- to scientific research, educational and other agricultural institutions, enterprises, rural production and vocational colleges, and schools of general education for research, study, promotion of advances in experience, and for farming;

- to non-agricultural enterprises, institutions, organizations, and religious organizations for supplemental farming.

The allocation of land with an agricultural purpose shall be made in accordance with the procedure of inter-farm land management in accordance with the “Law on Land Management” (In RT Law edition dated 5.01.2008 No.357).

**Article 66. Allocation of land plots for dehkan farms**

Land plots for the purpose of creating dehkan farms shall be allocated to the citizens of the Republic of Tajikistan for life-long inheritable use in accordance with the procedure established in the Law of the Republic of Tajikistan “On Dehkan Farms” (In RT Law edition dated 28.02.2004 No.23).

**Article 67. Excluded (In RT Law edition dated 28.02.2004 No.23)**

**Article 68. Excluded (In RT Law edition dated 28.02.2004 No.23)**

**Article 69. Excluded (In RT Law edition dated 28.02.2004 No.23)**

**Article 70. Excluded (In RT Law edition dated 5.01.2008 No.357)**

**Article 71. Allocation of land for supplemental land plots for citizens (In RT Law edition dated 1.08.2012 No.891).**

Land plots for supplemental land plots for citizens shall be allocated by heads of the cities, districts, regions and the Government of the Republic of Tajikistan in accordance with their competence established by present Code. (In RT Law edition dated 1.08.2012 No.891).

A supplemental land plot shall be allocated an amount up to 0,12 hectares of irrigated land and up to 0,25 hectares of dry land, in virgin and mountainous areas up to 0,15 hectares of irrigated land and up to 0,40 hectares of non-irrigated land, including the area occupied by buildings and yards.

The exact size of the supplemental land plots within the specified quotas shall be defined by taking into consideration the land fund of each land user and the density of population on the basis of the general development plan and other plans of settlement development.

Minimal size of supplemental land to citizens shall be defined by Majlis of deputies of district, city. (In RT Law edition dated 1.08.2012 No.891).

Note:

Part two of this article shall not apply to previously allocated supplemental land plots (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891).

For receiving adjoining land plots following citizens have rights – heads of incomplete families, as well as single adults that are not presently married and do not leave together with their relatives, subject to present land fund.

*Article 71<sup>1</sup>. Procedure for allocating supplemental land plots to citizens (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891)*

Citizens to receive supplemental land plots shall apply to village and settlement jamoats and bodies of local government (In RT Law edition dated 18.06.2008 No.405).

Allocation of supplemental land plots to citizens shall be made by village jamoats, settlement and local governments from the available land of the supplemental (housing) fund (In RT Law edition dated 18.06.2008 No.405).

If there is no supplemental (housing) fund the chairpersons of local governments and jamoats prepare lists of citizens who have applied for supplementary land plots and appeal to the superior body for allocation of land for this purpose, if the allocation of land is not within their competence (In RT Law edition dated 18.06.2008 No.405).

Citizens having supplemental land plots in the same district or city shall not be given an allocation a second time, except in cases where the resettlement of citizens' families is required (In RT Law edition dated 5.01.2008 No.357, In RT Law edition dated 1.08.2012 No.891).

The division of a citizen's family shall not be the reason for the division of supplemental plots.

In particular cases, when the size of supplemental plots exceeds existing quotas, they may be divided between newly established families and other families.

Newly established families, if legally registered in the jamoat in accordance with established procedure, shall be allocated a land plot on a general basis (In RT Law edition dated 28.02.2004 No.23).

*Article 71<sup>2</sup>. Allocation of land for organization of an additional individual supplemental farm (In RT Law edition dated 5.01.2008 No.357)*

Land plots shall be allocated to citizens for the organization of an additional individual supplemental farm with the agreement of the primary land users in accordance with the normative and legal acts of the Republic of Tajikistan by the decisions of the heads of cities and districts (In RT Law edition dated 5.01.2008 No.357).

The land plot for this purpose shall be allocated from irrigated land up to 0,15 hectares and from non-irrigated land up to 0,50 hectares (In RT Law edition dated 5.01.2008 No.357).

*Article 71<sup>3</sup>. Allocation of land plots for citizens for pasturing livestock and haymaking*

Citizens having their own livestock shall be allocated a land plot for pasturage and haymaking upon the submission of jamoats from reserve land, the forest fund, land of populated areas, as well as from the land of agricultural farms and other organizations that use agricultural land, in accordance with the following procedure:



- a) from the land of agricultural farms, as well as from the land of organizations that have land with an agricultural purpose, upon the decision of the general meeting of these farms and organizations;
- b) from the state land reserve – by a decision of the heads of districts (cities);
- c) from the land of the state forest fund – by a decision of the heads of districts (cities) with the agreement of the forestry bodies. (In RT Law edition dated 5.01.2008 No.357).

#### **Article 72. Allocation of land plots for collective fruit and vegetable cultivation**

Land plots for collective fruit and vegetable cultivation shall be allocated to natural persons and legal entities from other land that has not been previously used in agricultural production. The citizen collectives shall be allocated the land plots for collective fruit and vegetable cultivation in an amount of 0,06 hectares per member of the collective. The procedure for allocating plots for collective fruit and vegetable cultivation shall be established by the Government of the Republic of Tajikistan (In RT Law edition dated 28.02.2004 No.23).

#### **Article 73. Terms for changing the boundaries and the size of land use**

Changing boundaries and the size of the land used by agricultural enterprises, institutions, organizations when consolidating or expanding farms shall be carried out by taking into consideration the location, population size, number of employees, shareholders on the basis of the decision of the general meeting or meeting of authorized representatives in accordance with the procedure established by the land legislation of the Republic of Tajikistan, and the right of land use shall be subject to re-registration (In RT Law edition dated 28.02.2004 No.23).

#### **Article 74. Location of intra-farm structures**

Intra-farm structures of agricultural enterprises shall be located in accordance with the approved schematic diagrams of land management, drafts of intra-farm land management or draft plans and buildings of rural populated areas.

The location of intra-farm structures on land specified in Article 29 of the present Code shall be allowed only in exceptional cases by a decision of the Government of the Republic of Tajikistan.

The procedure for allocating land plots for intra-farm structures shall be established by the Government of the Republic of Tajikistan.

#### **Article 75. Procedure and terms for allocating land with an agricultural purpose**

Land with an agricultural purpose shall be allocated in accordance with the procedure of inter-farm land management to natural persons and legal entities with the agreement of the land users and in accordance with the present Code.

Allocating land with an agricultural purpose to agricultural enterprises shall be made within a suitable scope of economic activity. Overlapping, wedging-in and other defects in their land use shall not be permitted.

The elimination of overlapping, wedging-in and other defects in land use of the agricultural enterprises shall be made upon their mutual agreement and with the authorized state body for regulating land relations and its field departments in accordance with the procedure of inter-farm land management and in accordance with the Law of the Republic of Tajikistan “On Land Management” (In RT Law edition dated 28.02.2004 No.23, In RT Law edition dated 1.08.2012 No.891).

Non-agricultural enterprises, institutions, organizations, as well as religious organizations, shall be allocated land plots for supplemental farming in order to produce agricultural products to supply employees and workers of these enterprises, institutions, and organizations, and to supply cafeterias of schools, kindergartens, hospitals, elderly-care facilities, facilities for the disabled, health resorts, and rest homes.

## **CHAPTER 12. LAND OF POPULATED AREAS (CITIES, SETTLEMENTS AND VILLAGES) IN RT LAW EDITION DATED 5.01.2008 NO.357).**

### **Article 76. Land of cities**

The land of cities shall include all the land within the limits of city administrative boundaries. The land of cities shall fall under the jurisdiction of the local city government (In RT Law edition dated 28.02.2004 No.23).

#### *Article 76<sup>1</sup>. Administrative boundaries of cities*

The administrative boundaries of cities shall be the boundaries of city land separating them from other land categories.

The administrative boundaries of cities shall be established and changed by the Majlisi Milli of the Majlisi Oli of the Republic of Tajikistan.

The inclusion of land plots within the administrative boundaries of cities shall not terminate the right to use this land by former land users and withdrawal of this land for city needs shall be carried out in accordance with the general urban plan established by the legislation of the Republic of Tajikistan (In RT Law edition dated 5.01.2008 No.357).

### **Article 77. Composition of the land of cities**

The land of cities includes:

- a) land of residential areas of cities (In RT Law edition dated 5.01.2008 No.357) ;
- b) land for public use;
- c) land for agricultural use;

- d) land with forests, shrubs, and gardens (In RT Law edition dated 5.01.2008 No.357);
- e) land for industrial, transportation, communication, main pipelines and other purposes;
- f) submerged land (In RT Law edition dated 28.02.2004 No.23);(In RT Law edition dated 5.01.2008 No.357);
- g) reserve land of cities (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>1</sup>. Use of the land of cities*

The land of cities shall be used in accordance with the general urban plans, detailed planning and development projects, as well as plans for the land-economic organization of the territories of cities (In RT Law edition dated 28.02.2004 No.23).

*Article 77<sup>2</sup>. Allocation of land plots within cities*

Land plots in cities are allocated for fixed-term and perpetual use and lease in accordance with Article 26 of the present Code (In RT Law edition dated 28.02.2004 No.23) (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>3</sup>. Reserve land of cities*

Reserve land comprises land plots that are not allocated to natural persons and legal entities for use within the territories of cities, as well as land plots for which the right of land use has been terminated in accordance with Article 37 of the present Code (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>4</sup>. Residential land of cities*

Residential land of cities comprises land on which housing and adjoining land plots are located. (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>5</sup>. Allocation of land plots for construction within a city (In RT Law edition dated 5.01.2008 No.357)*

Natural persons and legal entities shall be allocated land plots for industrial, residential, public amenities and other types of major construction.

The size of land plots and the terms of their use for the specified purposes shall be determined in accordance with the present Code or other legislation of the Republic of Tajikistan (In RT Law edition dated 28.02.2008 No.23) (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>6</sup>. Land for public use within a city (In RT Law edition dated 5.01.2008 No.357)*

Land for public use comprises land for roads, thoroughfares, recreation parks, boulevards, squares, land for public amenities, cemeteries and other land for public use (In RT Law edition dated 28.02.2008 No.23).

*Article 77<sup>7</sup>. Allocation of land for public use for the construction of lightly-built buildings and structures (In RT Law edition dated 5.01.2008 No.357)*

Land plots from the land for public use may be allocated to natural persons and legal entities for fixed-term and perpetual use for the construction of lightly-built buildings and structures (trade stalls, kiosks, structures for advertisements, etc.) without impeding public use by a decision of the city mayor (In RT Law edition dated 28.02.2008 No.23).

*Article 77<sup>8</sup>. Land for agricultural use within a city*

Land for agricultural use within cities comprises land of agricultural enterprises and organizations located within the administrative boundaries of cities.

*Article 77<sup>9</sup>. Land with urban forests, shrubs and gardens (In RT Law edition dated 5.01.2008 No.357)*

Land with urban forests, shrubs and gardens comprises land aimed at improving the environment, satisfying the cultural and aesthetic needs of the population, protecting the territory from water and wind erosion. (In RT Law edition dated 28.02.2004 No.23) (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>10</sup>. Land for industrial, transportation, communication, main pipeline and other purposes within a city (In RT Law edition dated 5.01.2008 No.357)*

Land for industrial, transportation, communication, main pipelines and other purposes comprises land used for motor roads, railways, water and air transportation, pipelines, electrical lines, communication, industrial land for processing useful minerals and other land.

*Article 77<sup>11</sup>. Submerged land and land occupied by bodies of water*

Submerged land and land occupied by bodies of water comprises land occupied by bodies of water, lakes and rivers, canals, swamps and hydro-engineering structures and other lands under the water (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>12</sup>. Land of city-type settlements*

Land of city-type settlements comprises all land located within the boundaries of a settlement.

Land of city-type settlements shall fall under the jurisdiction of the local government of the city-type settlements.

The provisions of Articles 76–80 of the present Code, except Articles 77-2 and 77-7, shall govern city-type settlements. (In RT Law edition dated 28.02.2004 No.23) (In RT Law edition dated 5.01.2008 No.357).

*Article 77<sup>13</sup>. Land of villages*

Land of villages comprises all land located within the boundaries established for these rural populated areas (In RT Law edition dated 5.01.2008 No.357).

Land of villages shall fall under the jurisdiction of the local government.

Land of villages shall be used for the creation of individual supplemental land, construction of houses, public amenities, industrial facilities and other purposes in accordance with the construction plans and the economic plan.

The territory of the village shall be established and changed upon the submission of the body of rural self-government to the relevant body of local government within their competence (In RT Law edition dated 28.02.2004 No.23).

#### **Article 78. Land of natural and green zones**

Land outside the boundaries of a city that serves as a territorial reserve for city expansion and a place for the location and construction of necessary structures related to the development and the normal functioning of the economy of the city, as well as forests, wooded parks and other green plants, performing protective and sanitary and hygienic functions and serving as recreational places for the population shall be considered the suburban and green zone of a city.

#### **Article 79. Procedure for allocating suburban and green zones**

Suburban and green zones shall be allocated with a determined size and boundaries, as well as with the procedure for land use there, in accordance with the resolution of the Government of the Republic of Tajikistan.

Inclusion of land plots in the suburban or green zones shall not entail their withdrawal, land users shall retain their right to these plots.

#### **Article 80. Protection of suburban land and green zones**

Suburban land and green zones shall be subject to special protection. On this land, construction of buildings and structures other than those with protective functions, sanitary and hygienic functions of suburban and green zones and purposes other than for the recreation of the population shall be prohibited.

### **CHAPTER 13. LAND FOR INDUSTRIAL, TRANSPORTATION, COMMUNICATION, DEFENSE AND OTHER PURPOSES**

#### **Article 81. Industrial land**

Industrial land comprises land allocated to industrial enterprises, institutions and organizations for construction, industrial production, as well as for economic and other special needs.

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

Land for the extraction and exploitation of minerals comprises land plots allocated to natural persons and legal entities for mining and the exploitation of minerals in accordance with the legislation of the Republic of Tajikistan (In RT Law edition dated 28.02.2004 No.23).

Natural persons and legal entities conducting mineral extraction and exploitation activities shall not infringe upon the rights and lawful interests of neighboring land users and shall take all measures to guarantee the proper use and protection of the land (In RT Law edition dated 28.02.2004 No.23).

### **Article 83. Termination of the right to use a land plot issued for exploitation of mineral deposits**

Upon the withdrawal of the right to exploit mineral deposits, in accordance with the legislation regarding the use of the subsurface, the right of natural and legal persons to use the allocated land plots shall be terminated (In RT Law edition dated 28.02.2004 No.23).

In such an event, natural persons and legal entities shall be obliged to restore the land and, in accordance with established procedure, to return it to the primary land user (In RT Law edition dated 28.02.2004 No.23).

### **Article 84. Land for transportation**

All land allocated for the needs of relevant types of transportation, and related to the maintenance, reconstruction, development and modernization of communication routes shall be considered land for transportation.

This land shall be subdivided into land for automobile, rail, water and air transportation.

### **Article 85. Land of main pipelines**

Land of main pipelines (gas pipelines, oil pipelines) comprises land plots allocated to natural persons and legal entities for supplementary premises and structures, also serving other structures, that provide for the exploitation of this area within set standards in accordance with technical designs (In RT Law edition dated 28.02.2004 No.23).

Natural persons and legal entities who have been allocated land plots for fixed-term use in strips running alongside the main pipelines are obliged to return these strips of land to their former condition after construction has been completed (In RT Law edition dated 28.10.2004 No.23).

### **Article 86. Land for communication, radio installation and electrical lines**

Land for communication, radio installation and electrical lines comprise land plots allocated to enterprises, institutions and organizations, using these lines, supported by lines running through the air, radio installation and electrical lines, buildings, structures and other facilities, in accordance with technical designs and standards.

### **Article 87. Land for defense needs**

Land allocated for stationing troops and their permanent activities, for military institutions, military schools, enterprises and organizations of the Armed Forces of the Republic of Tajikistan, border guards and internal security forces shall be considered land for defense needs.

## **CHAPTER 14. LAND FOR ENVIRONMENTAL PROTECTION, HEALTH IMPROVEMENT, RECREATION, HISTORICAL AND CULTURAL PURPOSES**

### **Article 88. Land for environmental protection**

Land for environmental protection comprises land of preserves, national and wooded parks, botanical gardens, reserves (with the exception of those where hunting is allowed), natural monuments.

Activities in nonconformity with the specified purpose of the land shall be prohibited on the specified land.

In order to guarantee the special designation of preserves, national and wooded parks, botanical gardens, reserves (with the exception of those where hunting is allowed), natural monuments, conservation areas shall be established on the land of these zones. Activities that could damage the special designation of this land shall be prohibited.

The procedure for using the land for environmental protection shall be determined by the legislation of the Republic of Tajikistan.

### **Article 89. Land for health improvement**

Land for health improvement comprises land plots with natural curative properties (mineral spas, mud, climatic and other conditions), favorable for preventative care and treatment.

The land of resorts shall be subject to special protection. In order to protect their natural curative properties, all resorts shall have sanitary protection areas.

Land plots falling within these sanitary protection areas shall not be withdrawn from the land users. Within these areas, allocation of land plots to enterprises, institutions, organizations shall be prohibited if their activities are incompatible with protecting the natural curative properties and favorable conditions for the recreation of the population.

The procedure for using the land for health improvement shall be determined by the legislation of the Republic of Tajikistan.

### **Article 90. Recreational land**

Land meant for and used for organized mass recreation and tourism shall be considered recreational land.

Recreational land shall include land plots for vacation homes, pensions, sanatoriums, campgrounds, tourist resorts, permanent and tented tourist and health improvement camps,

cabins for fishing and hunting, children's tourist centers, parks, pioneer and sports camps located outside the land for health improvement.

Activities in nonconformity with the specified purpose of the land shall be prohibited on recreational land.

The procedure for using the specified land shall be determined by the legislation of the Republic of Tajikistan.

#### **Article 91. Land with a historical and cultural purpose**

Land with a historical and cultural purpose comprises land with historical and cultural preserves, memorial parks, burial sites, archaeological monuments.

Activities in nonconformity with the specified purpose of the land shall be prohibited on this land. The procedure for using the specified land shall be determined by the purpose of the Republic of Tajikistan.

### **CHAPTER 15. LAND OF THE STATE FOREST FUND**

#### **Article 92. Land of the state forest fund**

Land covered by forests, as well as land not covered by forest but allocated for the needs of forestry, shall be considered land of the state forest fund.

Land of the state forest fund shall be delimited from other categories of land by boundary markings of a specified form.

#### **Article 93. Use of land of the state forest fund**

Land of the state forest fund shall be used in accordance with its specified purpose for forest husbandry and the use of forest resources for the needs of the national economy.

The use of the land of the state forest fund for forest husbandry (reforestation, forest planting, etc.) and storage of forest produce shall be carried out by forestry bodies, as well as other state and public organizations, enterprises and institutions, which have been allocated land of the state forest fund (In RT Law edition dated 5.01.2008 No.357).

#### **Article 94. Allocation of land of the state forest fund for agricultural and non-agricultural needs**

Land of the state forest fund which is not used for forestry and the forestry industry shall be allocated for use by natural persons and legal entities for agricultural and non-agricultural needs in accordance with the procedure established by the present Code.

Parts 2 and 3 are excluded (In RT Law edition dated 5.01.2008 No.357).

Order of use of forest fund lands are defined by legislation of the Republic Of Tajikistan (In RT Law edition dated 28.02.2004 No.23).

### **CHAPTER 16. LAND OF THE STATE WATER FUND**



### **Article 95. Land of the state water fund**

Land of the state water fund comprises land occupied by bodies of water, glaciers, snow caps, swamps, hydro-engineering and other water facilities as well as land allocated in strips running alongside bodies of water, main pipelines, inter-farm channels and collectors.

### **Article 96. Purpose and use of the land of the state water fund**

The land of the state water fund shall be used for the purpose of maintaining rational use of all water resources, as well as for the sectors of the national economy including water, fishing, forestry, and other sectors, and water transportation, research, and other purposes.

The following shall be allowed on the land of the state water fund:

- building facilities meant to satisfy the drinking and consumption needs of the population and the needs of the national economy for water;
- building and reconstructing hydro-technical facilities for supplying irrigation to land with an agricultural purpose;
- constructing levees, high-water dams, and shafts, and other structures that prevent or eliminate the harmful effects of water (floods, inundation, sinking, waterlogging, salinization of soil, soil erosion, appearance of ravines, landslides, mudflows, etc.);
- use of land plots in riparian zones for agricultural purposes and for growing vegetables and for service allotments.

The procedure for using the land of the state water fund shall be determined by the legislation of the Republic of Tajikistan.

### **Article 97. Restrictions for using land running alongside bodies of water**

Construction of structures impeding the use of the land of the state water fund in accordance with their designated purpose shall be prohibited within the bounds of land running alongside bodies of water (In RT Law edition dated 28.02.2004 No.23).

### **Article 98. Zone of protection for the land of the state water fund**

Zones of protection shall be established for providing adequate sanitary conditions of water used for drinking and public facilities, as well as for the curative and cultural health needs of the population.

The size of zones of protection shall be established by the legislation of the Republic of Tajikistan.

## **CHAPTER 17. LAND OF THE STATE RESERVE**

### **Article 99. Land of the state reserve**

All land that is not allocated for perpetual use, which is a reserve for agricultural production, industry, transportation and other public economic needs, shall comprise land of the state reserve. This land also includes land, the right of use of which has been terminated in accordance with Article 37 of the present Code, and land of a specially created land fund. (In RT Law edition dated 5.01.2008 No.357).

Land of the state reserve shall fall under the jurisdiction of local executive government body and shall be allocated for use and lease primarily for agricultural production (In RT Law edition dated 1.08.2012 No.891).

**Article 100. Excluded (In RT Law edition dated 5.01.2008 No.357).**

## **CHAPTER 18. FINAL PROVISIONS(IN RT LAW EDITION DATED 5.01.2008 NO.357).**

**Article 101. Responsibility for violating the present Code**

Persons violating the provisions of the present Code bear the responsibility in accordance with the legislation of the Republic of Tajikistan (In RT Law edition dated 5.01.2008 No.357).

**Article 102. Use of funds coming from those violating land legislation**

Penalties paid by legal and natural persons shall be used in accordance with the purpose for (In RT Law edition dated 12.12.97 No. 498):

- a) development of new land for agricultural, restoration and increasing soil fertility;
- b) restoration of degraded land, re-cultivation of polluted and damaged land and other activities for improving land;
- c) protection of the land and other natural resources;
- d) conducting land valuation and inventorying land;
- e) conducting land cadastre activities;
- f) conducting land management activities;
- g) provision of material and technical support to bodies carrying out state control over the use and protection of the land;
- h) development and realization of projects and conducting scientific research for improving the condition of the land (In RT Law edition dated 28.02.2004 No.23) (In RT Law edition dated 28.02.2004 No.23).

**Article 103. Excluded (In RT Law edition dated 5.01.2008 No.357)**

**Article 104. Return of illegally occupied land plots**

Illegally occupied land plots shall be returned to the primary land user without compensation for expenses made during the illegal use. Returning land plots to an appropriate condition for use, including the removal of structures, shall be made at the expense of the who illegally occupied the land plots.

The return of illegally occupied land plots shall be made by a decision of the local executive body of the state government of the district (city) (In RT Law edition dated 5.01.2008 No.357).

#### **Article 105. International agreements**

In the event that international agreements recognized by the Republic of Tajikistan establish other rules than those contained in the Land Code of the Republic of Tajikistan, the rules the international agreement shall apply (In RT Law edition dated 28.02.2004 No.23).