

## LAW of the REPUBLIC of TAJIKISTAN

### “On Land Management”

#### CHAPTER 1. General provisions

##### Article 1. Relations regulated by the Law on Land Management

The present Law regulates the relations connected with legal bases of land management activity and the relations between state authorities, local governments, authorized state bodies for management of land resources, natural persons and legal entities in the process of implementation of land management activity to ensure rational use and protection of land resources.

##### Article 2. Basic definitions used in the present Law

Land management - system of actions providing territorial regulation of land relations, survey, planning, organization of use and protection of lands, creation of new and regulation of the existing land managements, land funds, administrative territorial units and other objects of land management with on-the-spot definition of borders, accomplishment of territories of agricultural enterprises and improvement of natural landscapes.

Land management activity - scientific, technical, industrial and administrative activity of state authorities, local governments, authorized state bodies for land resources, natural persons and legal entities implemented while land management.

Land management works - all kinds of cameral and field surveys, prospecting, plotting, cartography, design and exploration implemented while land management and providing receiving of a concrete result (land management documentation).

Land management process - a composition, sequence and order of land management actions including preparatory work, field surveys and researches, development of design documentation, its consideration and approval, transferring the designs to the field, registration and issuance of land management, designer's supervision for implementation of land management designs.

Land management design – aggregate of legal, economic, and technical documentation including final calculations, description, drawings in which land management actions are graphically displayed and represented in writing to be realized on a concrete territory.

Land management actions – work stipulated in the land management documentation on formation and organization of the territory of the land management object, rational use and protection of lands with taking into account their special-purpose designation and limitations in use and increase of yield of the soil.

Objects of land management – the territory of an administrative-territorial unit or its part, territory of land-utilization, groups of land users with regard to which land management is realized.

Land-utilization – the territory of a land plot (a complex of land plots) with the fixed closed border, area, location, used by natural persons or legal entities for definite purposes according to the legislation.

Formation of land-utilization - a complex of works to establish location, borders, the area of a land plot or their aggregate, other characteristics in view of the established special-purpose use and limitations in use of lands.

Land-surveying - a complex of works to define the boundaries of administrative and territorial units in the field, boundaries of the users' and lessees' land plots marking them with corner-marks of the established sample and geodetic basic network.

State fund of land management documentation – a set of the documents received as a result of land management and subject to keeping at the authorized body for land resources management or its local bodies for their further use.

Plan of a land plot - a graphic document displaying location, size, placing of external borders of the land plot and the borders of lands limited in use, and also placing of immovable objects strongly connected with the land plot.

Inter-farm land management - system of actions on organization of the territories of agricultural enterprises and dekhkan farms (farms) within their borders of land-utilization providing full and rational use of land, creation of favorable ecological environment, landscape improvement, and also maximum satisfaction of economic interests while observing the established conditions of use and protection of land.

Inter-farm land management - system of legal, social-economic and technical arrangements providing reallocation of lands, formation of rational land-utilization and land possession – allocation and withdrawal of lands for agricultural and non-agricultural needs, assignment of land plots to natural persons and legal entities, and also establishment, change of borders and areas of the land plots.

Conservation – conservation of a fertile soil layer until a defined term.

Recultivation – restoration of a fertile soil layer.

Cameral – a thorough research of the materials collected by various expeditions in special departments.

Coordinates - sizes defining provision of a point in space and on the plane.

Cadastral – digest of information about land,

Monitoring of land - regular supervising for land activity, revealing of the changes occurred and their assessment.

Recreational lands - the lands assigned and used for the organized rest of the population and tourism.

Reserve lands - the lands that have not been transferred for use.

### Article 3. Legal regulation of land management

Legal regulation of land management is realized pursuant to the Constitution of the Republic of Tajikistan, Land Code of the Republic of Tajikistan, the present Law, regulatory-legal acts, other laws and international legal acts recognized by the Republic of Tajikistan.

### Article 4. Purpose of land management

Land management provides realization of the following actions:

- 1) implementation of the land reform and improvement of land relations;
- 2) determination of prospects of rational use and protection of lands;
- 3) creation of organizational-territorial conditions for efficient management in agricultural and non-agricultural spheres;
- 4) formation of new and regulation of the existing land plots, registration of plans of borders of the land plots;
- 5) well-founded re-allocation of lands by categories, determination of land users and creation of special land funds;

- 6) designing and administrative-territorial borders marking, marking of the line of cities and other settlements;
- 7) creation of conditions for the concentrated and compact placing of land plots in view of ecological requirements;
- 8) fixing of borders of land plots in the field;
- 9) receiving information about quantitative and qualitative condition, use of lands and their assessment;
- 10) inter-farm organization of the territory;
- 11) preparation of land management documentation necessary for state authorities of the Republic of Tajikistan and local governments to approve the decisions on management of land resources, and also for implementation of state registration of land ownership;
- 12) receiving information for state cadastre, monitoring of lands, state control over use and protection of lands, development of land management and town-planning documentation and implementation of other functions of state management of land resources.

#### Article 5. Principles of implantation of land management

The following principles should be respected while implementing land management:

- 1) protection of interests of the subjects with the rights to land and the population living in the territory affected by land management;
- 2) provision of priority of ecological requirements over economic expediency of use of lands;
- 3) conservation and careful use of land resources and natural landscapes;
- 4) creation of equal organizational-territorial conditions for various forms of management and development of all branches of economy;
- 5) registration of prospects and complex development of territories;
- 6) guarantee of glasnost of land management arrangements affecting interests of the population that live on land-managed territory;
- 7) record of agricultural land-use capability to use for a specified purpose;
- 8) provision of compactness while forming of land plots, and optimum conformity by area and configuration and availability;
- 9) bar of fragmentation of land plots and creation of enclavement of plots resulting in impossibility to use them for their specified purpose.

#### Article 6. Land management content

Land management is obligatory for the lands of all categories irrespective of kind of their utilization in the following cases:

- 1) while developing republican and regional programs of use, protection of land resources and schemes of land management in view of town-planning, ecological, economic and other peculiarities of the region;
- 2) while land-surveying with definition and rehabilitation of borders of the administrative-territorial units and their technical provision;
- 3) while developing projects of new and ordering of the existing land management and elimination of inconveniences in location of lands;
- 4) while defining the boundaries of land plots, elimination of borders and allocation of land plots, developing plans (drawings of borders) of land plots, preparation of documents certifying the land ownership;

- 5) while developing projects of inter-farm land management and other projects connected with utilization and protection of lands;
- 6) while developing working projects on revegetation, protection of soil from water and wind erosion, mudflows, landslips, flooding, bogging, drying up, settlement, salinization, pollution by reclamation materials, chemical and radioactive substances, working projects on improvement of agricultural lands, development of new lands, conservation and increase of yield of the soil;
- 7) while proved placing and definition of territories with special nature protection, recreational, nature-reserved, historical-cultural and recreational conditions;
- 8) while marking and changing of borders of a city, settlement and countryside;
- 9) while conducting topographic-geodetic surveys, cartographical researches, while implementing agro-chemical, geo-botanical and other researches of soil composition;
- 10) while conducting inventory of all lands and regular revealing of unused lands, irrationally used lands, the lands used without specified purpose;
- 11) while making land-use maps and atlases of the condition of use of land resources;
- 12) while land valuation.

The authorized state body for management of land resources and its local bodies shall implement land management.

The Government of the Republic of Tajikistan determines the given body and its authorities.

Land management may also be conducted by land users while defining boundaries and allocating a land plot, while registering plans (drawings of borders) of land plots, and also executing other works connected with land management.

Land management is implemented with participation of the interested land users.

#### Article 7. Openness of information about land management

Information about land management is of open character, except for the information constituting official secret,

The information contained in the land management documentation shall be given to any person who has presented the certificate of identity and application in writing (a legal entity should present the documents confirming registration of the given legal entity and powers of its representative issued in the established procedure by the authorized state body for management of land resources and its local bodies.

The inquired information or the motivated refusal in writing should be given to the applicant within 10 days. The refusal may be appealed by the person applied for the information.

The information contained in the land management documentation is provided for payment unless otherwise stipulated by the law. Maximum amount of payment for provision of the information is established by the Government of the Republic of Tajikistan; Concrete amount, procedure, terms and forms of payment are defined by the authorized state body for management of land resources.

The information contained in the land management documentation must be given free-of-charge at the request of:

- 1) state authorities;
- 2) law-enforcement bodies and courts by cases in charge;
- 3) bodies of state statistics;
- 4) land management educational institutions for the educational and scientific purposes;
- 5) other persons defined by laws of the Republic of Tajikistan.

The body that provided with the information must provide, at the land users' request, with information about the persons who received the information about the land plots related to them.

Use of the received information by methods and in the form that damage the rights and legitimate interests of legal land owners is not allowed. The persons admitting similar actions shall be made answerable pursuant to the legislation of the Republic of Tajikistan.

## CHAPTER II. Management of land management activity

### Article 8. State management of land management

The Government of the Republic of Tajikistan, the authorized state body for management of land resources, and local governments implement land management.

Pursuing of a uniform policy of keeping and establishment of fundamental land management base, financing and organization of implementation of land management in accordance with the republican programs, coordination of activity of local bodies for management of land resources, as well as implementation of land management within the limits of competence of the Government of the Republic of Tajikistan comes within the terms of reference of the Government of the Republic of Tajikistan.

The authorized state body for management of land resources is charged with approval of normative and legal acts on land management, financing, organization of implementation of land management according to the state programs, coordination of activity of local bodies for management of land resources in the sphere of land management, and also organization and implementation of land management on all lands.

### Article 9. Grounds for implementation of land management

Land management is implemented on the basis:

- 1) of decisions of state authorities of the Republic of Tajikistan on implementation of land management;
- 2) of appeals (applications) of citizens and legal entities to be assigned with land plots;
- 3) of agreements that citizens and legal entities (land users, lessors) concluded with the developers of land management documentation.

### Article 10. Participants of relations arising at land management

Participants of the relations arising at land management are a customer and a developer of land management documentation, and also third persons the rights and legitimate interests of which may be affected at conducting of land management.

Customers of land management documentation are the persons listed in Article 9 of the present Law who approved a decision or petitioned to conduct land management and are providing financing of land management.

The authorized state body for management of land resources and its territorial bodies may act as a customer when it is transferred these powers by the body that approved the decision on conducting of land management.

Developers of land management documentation shall be recognized land management scientific-research and design-survey organizations, other organizations and persons who, in the

established procedure, received licenses for executing of land management pursuant to the legislation of the Republic of Tajikistan.

Relationship between the customer and the developer of land management documentation are regulated in accordance with the legislation of the Republic of Tajikistan.

The customer has the right to control the process and quality of land management and if necessary to conduct examination in the established procedure.

Selection of developers of land management documentation while conducting land management at the expense of the budgets of all levels is realized, as a rule, on a competitive basis by the authorized state body for management of land resources in the procedure established by the Government of the Republic of Tajikistan.

Natural persons and legal entities, customers of land management documentation at the expense of their funds have the right to choose and contract an organization or a private person to implement land management unless otherwise stipulated by laws of the Republic of Tajikistan.

The developer of land management documentation is obliged to:

- 1) be guided by laws and others legal and normative acts of the Republic of Tajikistan, ecological standards and rules, as well as the requirements of instructions, normative and technical documents on implementation of land management;
- 2) notify the interested persons about conducting land management;
- 3) fulfill the requirements of the legislation on state secret in regard of the information received in connection with conducting of land management;
- 4) respect the persons' rights and legitimate interests which may be affected at conducting land management.

The developer of land management documentation bears responsibility for authenticity, quality and ecological safety of the actions stipulated by the land management documentation. The developer of land management documentation has the right to realize the designer's supervision over implementation of land management documentation, to raise a question on suspension of implementation of the actions being fulfilled with deviation from the approved land management documentation and resulting in worsening the land, worsening its quality, disfigurement of the landscape rather than using the land according to a special purpose, and also to suggest that the out-of-date land management documentation should be improved or worked out again.

Third persons, the rights and legitimate interests of which may be affected at conducting land management, have the right to:

- 1) participate in discussions of land management questions and to receive free of charge information about the process and results of land management affecting their interests;
- 2) appeal against the wrongful acts affecting their interests during land management process according to the legislation of Republic of Tajikistan.

#### Article 11. Sources of land management finance

Sources of land management finance are;

- 1) funds of the republican budget;
- 2) funds of local budgets;
- 3) funds of natural persons and legal entities;
- 4) The sources stipulated by the land Code of Republic of Tajikistan;
- 5) other sources (foreign loans, revenues from rendering services, etc.)

The Government of the Republic of Tajikistan establishes the list of works on land management implemented at the expense of the funds of various sources, procedure of financing specified in Part 1 of the present Article.

#### Article 12. Normative-technical documents on land management

Normative-technical documents on implementation of land management establish the procedure of organization and implementation of land management works, the purpose of land management process, requirements to them, norms and rules of their fulfillment. The specified documents were developed by the authorized state body for management of land resources and, depending on their importance, were approved by the Government of the Republic of Tajikistan or under instruction of the Government by the authorized state body for management of land resources.

The state bodies for management of land resources at places may, in view of peculiarities of natural, economic, social and other conditions, develop normative-technical documents on implementation of land management arrangements, particularized state normative-technical documents. The specified documents are subject to coordination with the authorized state body for management of land and they shall be approved by the local governments or the authorized state body for management of land resources.

Fulfillment of normative-technical documents on implementation of land management is obligatory for all participants of land management. They are intended for state regulation of this activity and are the basic for conducting state land management and other examinations, control at implementation of land management works and decision of matters of argument.

#### Article 13. State control over conducting of land management and implementation of land management arrangements

Primary goals of state control are:

- 1) enforcement of fulfillment of the requirements of the present Law;
- 2) enforcement of fulfillment of the established norms, rules and technical requirements at implementation of land management;
- 3) fulfillment of the arrangements stipulated in the land management documentation.
- 4) prevention and elimination of drawbacks while developing land management documentation.

State control over implementation of land management, fulfillment of land-utilization arrangements and enforcement of fulfillment of the requirements of the established normative-technical documents while developing land management documentation shall be executed by the authorized State body for management of land resources and its local bodies.

### CHAPTER III. Basic land management directions and kinds of land management

#### Article 14. Basic directions of implementation of land management

Land management is implemented in accordance with the following basic directions:

- 1) land survey;
- 2) planning, organization of rational use and protection of lands, except for town-planning activity;
- 3) inter-economic land management;
- 4) inter-farm land management.

#### Article 15. Purposes and kinds of works on land survey

Lands survey is conducted with the purpose to receive information about their quantitative and qualitative condition and use, provision of economic mechanism of regulation of land relations, improvement of payments for land, development of land management projects, keeping records of land resources.

Land survey includes the following basic kinds of works:

- 1) topographic-geodesic and cartographic surveying;
- 2) agro-chemical, geo-botanical and other researches of soil structure;
- 3) land inventory;
- 4) map composition, preparation for publication and issuing of special thematic maps of land condition and use of lands.

The authorized state body for management of land resources establishes periodicity of updating materials received as a result of topographic-geodesic and cartographic surveying, geo-botanical, agro-chemical and other researches of soil structure.

#### Article 16. Topographic-geodesic and cartographic surveying

Materials of topographic-geodesic and cartographic surveying are a scheduled-cartographical basis for development of land management schemes and projects, conducting agro-chemical, geo-botanical and other researches of soil structure, land inventory, formation of land plots and development of plans of their borders, keeping records of land resources, assessment and monitoring of lands, special map composition. Subject matter, scope of topographic-geodesic and cartographic surveying shall be established proceeding from specific goals for which the given materials are used.

#### Article 17. Agro-chemical, geo-botanical and other researches of soil structure

Agro-chemical, geo-botanical and other researches of soil structure and surveying are conducted on lands of all categories in order to obtain information about qualitative condition of lands, and also to reveal the lands subject to water and wind erosion, flooding, exposed to contamination and chemical pollution, biogenic contamination, others negative phenomena.

The received information is used for agro-ecological assessment of lands and approval by state authorities decisions on recultivation, conservation, introduction of restriction in land use, restoration of soils, conservation and increase of yield of the soil, improvement of natural landscapes, and also for developing actions on organization of rational land use and protection, keeping record of qualitative condition of land resources and monitoring of lands.

#### Article 18. Land inventory

Land inventory, depending on the purposes, is conducted by the decision of state authorities, or by the land users' application, leasers' application.

Land inventory is implemented with the purpose to specify or define location, borders (without marking in the field), sizes, legal status, to reveal unused, irrationally used or unused for a special-purpose, other necessary quantitative and qualitative characteristics of lands reflected in state land and other cadastres and documents of state registration, rights to land ownership, and also the documents necessary for implementation of state control of use and protection of lands and approval on this basis decisions on ordering of land use.

Depending on the aims either full or appropriated land inventory may be made.



Full land inventory made on the whole territory of the Republic of Tajikistan and on the lands of all categories, irrespective of a kind of land use with specification of all characteristics of land plots specified in Part 2 of the present Article.

Appropriated land inventory is made on lands of separate categories, on the territory of separate administrative units, and also in the zones of negative processes, by groups or separate land plots.

While making appropriated land inventory, the information of land condition and land use may be specified by all or separate characteristics specified in Part 2 of present Article.

#### Article 19. Special thematic maps

Special thematic maps are made with the purpose to show a complex characteristic of conditions and use of lands, arrangements on organization of their rational use and protection, prospects of use of lands, the data of land use and natural-agricultural zoning, making decisions on management of land resources.

#### Article 20. Purposes and kinds of works on planning of use and protection of lands

Planning of use and protection of lands (except for the objects of town-planning activity) is realized to determine short-term and long-term prospects of rational use of lands of all categories, irrespective of kind of using the lands and forms of management, developing of proposals for taking decisions on reallocation of lands in view of the needs of agroindustrial complex, forestry, development of cities, other settlements and systems of displacement, industry, mining branches, territories of nature protection, conservation, water-protection, recreational, historic-cultural purpose, creation of fund of reallocation of lands with the purpose of providing the citizens with lands for individual farming, gardening, melon growing, formation of dekhkan farms (farms) and other needs, providing of arrangements on protection of lands.

Planning of use and protection of lands includes the following basic kinds of works:

- 1) development of proposals on use and protection of lands at the government level;
- 2) cession of lands;
- 3) nature-agricultural dividing into districts and zoning of lands;
- 4) formation of special emergency land funds (areas of land plots);
- 5) land areas not subject to building and temporarily not being built lands of cities and other settlements.

#### Article 21. Organization of rational use and protection of lands

Organization of rational use and protection of lands includes arrangements for formation of steady land-use and reason of placing according to ecological and economic requirements of compact and optimal by area land possessions and land-utilizations, creation of favorable territorial conditions for efficient agricultural and other economic activities, steady development of cities and other settlements according to the town-planning documentation, development of a complex of measures on protection of lands.

#### Article 22. Peculiarities of planning of use of lands in cities and other settlements

Planning of rational use and protection of lands in cities and other settlements should have mutually-linked purposes to implement town-planning activity to be realized by local governments

and their bodies of architecture and the town-planning, the authorized state body for management of land resources in cities and other settlements.

Land management and town-planning documentation of the appropriate levels supplement each other.

Plans of land areas of cities and other settlements are developed, as a rule, simultaneously with general plans of cities and other settlements.

#### Article 23. Purposes and kinds of works at inter-economic land management

Inter-economic land management is implemented on the lands of all categories with the purpose to create territorial conditions for functioning of all branches of economy, formation and improvement of rational system of steady land-use of agricultural and non-agricultural purpose, providing of accuracy and indisputability of definition of borders of land-use in the field, administrative-territorial formations, special land funds, territories with special land management use.

Inter-economic land management includes the following kinds of works:

- 1) developing of projects of formation of new and ordering of the existing land management objects;
- 2) formation of land plots;
- 3) land-surveying.

#### Article 24. Developing of projects of formation of new and ordering of the existing land management objects

Projects of formation of new and ordering of the existing land management objects are developed:

- 1) while changing the borders and sizes of land management objects at land consolidation, fragmentation, re-allocation of lands between them, transfer of part of lands under jurisdiction of local governments, assignment of lands for organization of dekhkan farms (farms), farm reorganization;
- 2) with the purpose of consolidation of the land plots and elimination of enclavement of land plots, interspersions, distant lands, breaking of borders and their ecologically inexpedient location.

At developing of the project of formation of new and ordering of the existing land management objects the following is defined using town-planning and other documentation:

- 1) sizes and borders of land management objects with taking into account their specialization, possible output, development of engineering and social infrastructure;
- 2) borders of the lands with special land management use and other persons charged with rights;
- 3) procedure, conditions and terms of transition to using of land plots in new borders.

#### Article 25. Formation of land-use

Formation of land-use is realized at:

- 1) allocation of land plots to natural persons and legal entities;
  - 2) withdrawal of land plots for state and public needs;
- completion by natural persons and legal entities of transactions associated with transfer of land ownership.

The basis for formation of land-use is the circumstances with which the law relates origin of a right and transfer of land ownership, and also duties on use of land.

At formation of land-use a land plot (land plots) should be allocated with individual inherent characteristics: location, indisputable borders, area, coordinates of turning points.

The size of land-use is established or specified with taking into account town-planning documentation, effective norms of allocation of lands for various needs, compact placing, observance of the nature-protection legislation, town-planning, sanitary, fire-prevention, other standards and rules with use of available land management and town-planning documentation. Within the borders of land- the areas directly occupied with immovables, and also the adjoining territories necessary for provision of functioning (service) of a concrete immovable according to the established norms use are included. Borders of the lands limited in use are simultaneously established.

At formation of new land-use, at their division by the agreement of parties or judicial decision, works on definition of the borders of land plots in the field according to the shares determined by the agreement or judicial decision. Locations, borders, the area of each new generated land-use are defined on the basis of the works done.

The procedure of land-use is established by the authorized state body for management of land resources, and in cities and other settlements together with the state body of architecture and town-planning.

The plan of a land plot is developed for each generated land-use.

The plan of a land plot may be made:

- 1) with using of available planning-cartographical material and definition of coordinates of points of borders of the land plot by graphic, analytical and other methods;
- 2) on the materials of remote sensing;
- 3) according to the measurements resulted in surveying of a land plot on the surface or at land-surveying.

The plan of the land plot is the basis for drawing its borders in the appropriate cadastral plan and giving to it of a cadastral number.

The plan of the land plot is certified by the bodies responsible for implementation of cadastral works and it should be an obligatory appendix to the documents required for state registration of land ownership.

Technical requirements to making and registration of the plan of the land plot are established by the authorized state body for management of land resources, and in cities and other settlements with participation of the state body of architecture and town-planning.

## Article 26. Land-surveying

Land-surveying is implemented with the purpose of indisputable definition and identification in the field the location of borders of the land plots (boundary marks and boundary lines) defined on the planning-cartographical materials.

Land-surveying is realized on the basis land management and town-planning documentation on the graphic part of which design borders, boundary marks and initial geodetic data are indicated necessary for definition of turning points of borders of a land plot in the field and may be fulfilled by geodetic, air-photographic and other methods providing necessary accuracy of definition of coordinates of turning points of borders and the size of the land plot.

Land management documentation on land-surveying of city lands is developed together with projects of lay-out of parts of city and rural settlement territories and lay-outs of building of blocks,

micro-districts and other elements of plan structure, city and rural settlements and is the basis for definition of borders of the land plots in field.

Borders of the land plots in the field are fixed by boundary marks. It is allowed to fix the borders of the land plots without establishing of boundary marks in case they repeat natural and artificial linear constructions and boundaries (rivers, springs, channels, forest belts, roads, road constructions, fences, hedges, facades of buildings and other linear constructions and boundaries).

The borders of the land plot fixed in the field by the marks of an established sample or repeating natural or artificial constructions and boundaries are recognized indisputable and are protected by the state.

Geodetic basic network is fixed in the field by long-term marks. Coordinates of the points of the basic land-surveying network and corner-marks are defined in national system of coordinates or in local systems of coordinates established by the authorized state body for management of land resources, under condition of ensuring their connection with the national system.

Points of the basic geodetic network are state property and after they are established, they should be transferred by act for supervising over safety to:

- 1) local governments;
- 2) land users if the points are found on their land plots.

The points of the basic land-surveying network are shown in the base land-cadastral map which together with the catalogue of coordinates of the points of the basic land-surveying network and corner marks, together with other materials on land-surveying, shall be kept in the state fund of land management documentation for keeping.

Corner marks shall be deeded to natural persons and legal entities in which land plots they are found for supervising over safety

Wreckage and recovering of the lost points of the basic land-surveying network and corner marks is done with the permission of the state bodies for management of land resources.

Land-surveying procedure and control of observance of technical requirements to land-surveying, protection of the points of the basic land-surveying networks and corner marks are established and realized by the authorized state body for management of land resources and its local bodies. In cities and other settlements these works are realized together with the bodies of architecture of town-planning.

#### Article 27. Purposes and kinds of works at inter-farm land management

Inter-farm land management is executed with the purpose of accomplishment of a territory and territorial organization of production of agricultural products, organization of dekhkan farms (or farms) in the borders their land-use, providing efficient management of agricultural production together with other means of production, rational land-use, creation of favorable ecological environment and improvement of natural landscapes.

While implementing inter-farm land management, with taking into account the requirements of Part 1 of the present Article, the following basic kinds of works are fulfilled:

- 1) inter-farm organization of the territory of agricultural organizations, co-operatives, dekhkan farms (farms);
- 2) development of draft action plans on protection of soil from erosion and negative phenomena, improvement of agricultural lands, development of new lands.

Suggestions related to organization and placing of industrial divisions of agricultural organizations, registration of their lands, operation and conditions of their exploitation, territorial and in-field organization of rotations, hay-harvesting and pastures at inter-farm land management

are developed at the level of a technical project and realized after transferring of the specified elements of the project of the inter-farm land management approved in the established procedure.

Soil-protective, nature protection, meliorative arrangements, actions for conservation and increase of yield of the soil at inter-farm land management are developed according to the state laws and other regulatory-legal acts at the level of the scheme and realized on the basis of additionally developed projects on implementation of the appropriate arrangements.

#### Article 28. Inter-farm land management requirement

Inter-farm land management is conditioned for:

- 1) equilibrium of the farm territory with qualitative and quantity indicators of the land, availability of labor and material resources, specialization of production, optimum size of commodity output;
- 2) stability of organization of the farm territory and an agricultural production;
- 3) possibilities of placing and complex use of objects of industrial and engineering infrastructure and reclamation systems;
- 4) preservation of valuable agricultural lands, land reclamation and increase of yield of the soil, improvement of natural landscapes and creation of favorable ecological environment;
- 5) optimality of interrelation between settlements, industrial centers, served territory, placing and organization of production.

#### CHAPTER IV. Land management documentation

##### Article 29. Kinds of land management documentation

Appropriate land management documentation in the form of programs, schemes, projects, thematic maps, materials (technical reports) of researches and surveys, land management files should be developed for each object of land management depending on the land management works.

Basic kinds of land management documentation are:

- 1) state programs of use and protection;
- 2) schemes of lands by categories;
- 3) materials of zoning (except for the objects of town-planning activity) and nature-agricultural regional assignment, placing and definition of borders, especially protected territories;
- 4) land management schemes of administrative-territorial formations, schemes of city land-use, the schemes of formation of special land funds, plans of land plots which are not subject to building, the lands of cities and settlements on which construction is temporarily forbidden;
- 5) projects of reallocation of lands, formations of new and ordering of the existing land-use, organization of their territories, inter-farm land management (except for the projects of land-surveying in the settlements which are made while developing town-planning documentation);
- 6) materials on land-use formation, land-surveying, making the plan of a land plot, consolidating and changing of borders of the line of settlements;
- 7) projects on recultivation of the disturbed lands, protection of soil from erosion, mudflows, landslips, flooding, bogging, drying up, settlement, salinization, negative geological processes and phenomena of reclamation and preservation of lands, pollution by reclamation materials, chemical and radioactive substances, agricultural lands improvement, development of new lands, conservation and increase of yield of the soil;
- 8) materials (technical reports) of land and cartographical works, analysis of agro-chemical and geo-botanical composition of soil, research and prospecting works on land management;

- 9) materials on developing duty maps of the borders of lands limited in use;
- 10) materials on revealing and preservation of degraded agricultural lands in polluted lands;
- 11) materials on land inventory, regular revealing of unused, irrationally used and used not for intended purpose lands and formation of the fund of reallocation of lands;
- 12) special thematic maps of condition and use of land resources.

Proceeding from the goals and objectives of the land management pursuant to requirements of the present Law, other kinds of land management documentation may be made.

Land management documentation of any kind includes textual and graphic materials and contains obligatory provisions established by the task for developing of the appropriate kind of documentation.

Land management documentation of any kind is developed on the basis of the task given by the customer of land management documentation.

The composition, contents and rules of registration of each kind of land management documentation are regulated by the appropriate normative-technical documents for land management and implementation of town-planning activity.

#### Article 30. Coordination of land management documentation

Land management should be adjusted with users of land plots for which the land management is implemented by the authorized state body for management of land resources or its on-the-spot territorial bodies depending on the level of the land management documentation being developed with the appropriate bodies of architecture and town-planning and other interested state executive bodies, and also with third persons rights and legitimate interests of which are affected by land management.

Land management documentation is subject to the state ecological examination in cases and procedure established by the law.

#### Article 31. Approval of land management documentation

The land management documentation coordinated in the established procedure is approved by:

- 1) the Government of the Republic of Tajikistan in regard with the land management documentation on executing works of state importance;
- 2) bodies of state power in regard with the land management documentation on executing works of regional importance and on the land under their conducting;
- 3) local governments in regard with the land management documentation on executing works on the lands under their jurisdiction;
- 4) land users, leasers of the land plots and other customers in regard with the projects of inter farm land management and the projects connected with rational use of lands, conservation and increase of yield of the soil being developed and implemented at the expense of their funds, on coordination with the authorized state body for management of land resources.

Land management documentation associated with formation of borders of land plots, land surveying, making the plan of a land plot, and also materials of land-geodetic and cartographical works, agro-chemical, geo-botanical and other researches of soil composition and prospecting works on land management, on making special thematic maps, and condition and use of land resources are considered and approved by the authorized state body for management of land resources.

The Government of the Republic of Tajikistan or local governments establishes the procedure of coordination and approval of concrete kinds of land management documentation depending on the level of its development.

#### Article 32. Land management file

The results of the land management works done for each land management object are formed in the land management file.

The land management file includes originals of all documents received in the course of preparatory works, field researches and surveys, the author's copy of the project materials (programs, schemes, projects, and etc.), originals of cartographical materials, plans, drawings, originals of the documents of coordination and approval of land management, other materials, data and information related to the given object of land management.

The land management file should be kept with the developer of land management documentation.

#### Article 33. State fund of land management documentation

The state fund of land management documentation is a component of the State fund of geodetic, cartographical, land management, land-cadastral and other materials and the data on condition and use of lands in Tajikistan.

Materials and documents of the State fund of land management documentation are not subject to including them in the property of the organizations being privatized.

Materials and documents of the State fund of land management documentation referred in the established procedure to the Archival Fund of the Republic of Tajikistan shall be kept pursuant to the law.

Using materials and documents of the State fund of land management documentation being the data carrier of state secret shall be realized pursuant to the law.

Citizens and legal entities, developers of land management documentation executing works at the expense of the customers' funds are obliged to gratuitously transfer a copy of the copies of the materials and documents created by them to the appropriate state executive body for management of land resources for registration and including in the State fund of land management documentation with reserving the copyrights of developers.

Natural persons and legal entities - users of the materials and documents of the State fund of land management documentation are obliged:

- 1) to provide safety of the materials and documents received for time using and documents and return them in law days;
- 2) not to divulge the data constituting state secret specified in the materials and documents.

The Government of Republic of Tajikistan approves the regulation on State fund of land management documentation, lists of materials and documents included in it, and the procedure of their use.

### CHAPTER V. Responsibility for infringement of the Law on Land Management

#### Article 34. Responsibility for infringement of the Law on Land Management

Natural persons and legal entities shall be made answerable for infringement of the Law on Land Management

Article 35. Compensation of the damage caused by land management activity

The damage caused by land management activity shall be subject to compensation in the procedure established by the law.

Article 36. Resolution of disputes on land management questions

Disputes between the participants of land management relations arising at land management are solved by court pursuant to the law.

PRESIDENT of the REPUBLIC of TAJIKISTAN

E.RAKHMONOV

Dushanbe May, 12, 2001, No.20