

COUNCIL of MINISTERS of the REPUBLIC of TAJIKISTAN
RESOLUTION

“On approval of Regulation on Procedure of Transfer Lands from one Category to the other and
Transfer of Little-productive Lands to the Category of Non-productive Lands”
July 14, 1994, No.333, Dushanbe

The Council of Ministers of the Republic of Tajikistan hereby resolves:
To approve the attached Regulation on Procedure of transfer lands from one category to
the other and transfer of little-productive lands into the category of non-productive lands.

Chairman
Council of Ministers
Republic of Tajikistan

A.SAMADOV

Executive officer
Council of Ministers
Republic of Tajikistan

R.MIRZOEV

Approved
by Resolution of the Council of Ministers
of the Republic of Tajikistan
as of July 14, 1994, No.333

REGULATION

On Procedure of transfer lands from one category to the other and transfer of little-
productive lands into the category of non-productive lands

1. GENERAL PROVISIONS

1.1. The present Regulation establishes the procedure of putting a motion and registration
of materials for transfer lands from one category to the other and transfer of little-productive
lands into the category of non-productive lands.

1.2. Decreasing of the areas of irrigated lands, plough land, perennial plants and other
high-productive lands, including their transfer to little-productive and non-productive lands is
not allowed, except for the cases of necessity only pursuant to the Resolution of the Council of
Minister of the Republic of Tajikistan.

1.3. Transfer of lands from one category to the other, as well transfer of valuable lands to
little-productive lands and non-productive lands shall be implemented by the executive
Committees of Councils of People’s Deputies and the Council of Ministers of the Republic of
Tajikistan pursuant to Articles 32-36 of the Land Code of the Republic of Tajikistan.

1.4. Transfer of irrigable lands to the category of non-irrigated lands is implemented
provided:

- decrease of debit of water in the sources of irrigation of water;
- loss of connection with the source of irrigation water;
- new meliorative construction on the old irrigable lands;
- breakdown of the irrigation network, if it cannot be rehabilitated.

1.5. Transfer of areas of plough land, hay fields and pastures to little-productive and non-productive lands is allowed in case of natural calamities (flood, flooding, land slides and other destructive natural processes) resulted in withdrawal of these lands from agricultural turnover, as well as withdrawal of these lands in the established procedure for state and public needs.

1.6. In case of conducting of meliorative works, works on improvement of facial layers and rock bottom of valuable lands, their transfer to the category of lands that are in the process of meliorative construction is allowed for the term stipulated by technological-working project, but not more than for three years.

1.7. Transfer of perennial plants is allowed at blindness in seedling and impossibility of their mending (repair):

- strong affecting by bacterial, viral and other diseases and infections, as well as in the result of natural calamities;
- loss of production importance at expiry of the term of exploitation and depreciation depending on biological peculiarities of the varietal composition of plants;
- withdrawal of lands in the established procedure for state and public needs.

2. PROCEDURE OF PUTTING MOTIONS AND REGISTRATION OF MATERIALS FOR TRANSFER OF LANDS TO OTHER LANDS

2.1. The enterprises, institutions, organizations on the territories of which there is grounded need of transfer to little-productive and non-productive lands shall put motions to the executive committees of rayon (city) Councils of People's Deputies.

2.2. Transfer of lands to little-productive and non-productive lands shall be considered by the commission of the rayon (city) executive committee of the Council of People's Deputies.

The results of work of the commission shall be drawn up by the appropriate act, which shall be submitted to the executive committee of the rayon (city) Council of People's Deputies for approval after agreement (in the form of written conclusion) with high interested organizations and institutions, as well as the bodies executing state control over use and protection of lands.

2.3. Land management materials on transfer of high-productive lands to little-productive or non-productive lands shall be reviewed by the executive committees of oblast Councils of People's Deputies.

2.4. The materials on transfer lands, approved by the executive committees of oblast Councils of People's Deputies, shall be sent to Glavupravzem of the Ministry of Agriculture of the Republic of Tajikistan for coordination with the interested ministries and departments, and their submission to the Council of Ministers of the Republic of Tajikistan for consideration.

2.5. Land management file on transfer valuable lands to little-productive and non-productive lands contains the following documents:

- executive summary;
- motion of the enterprise, organization or institution;
- decision of the general meeting (meeting of the authorized) of the kolkhoz, council of the labor collective or conclusion of the administration of the goskhoz;
- act of the survey of land plots;
- explication of the lands planned for transfer;
- plan of land management with indication of the outlines of the land planned for transfer;
- information with the foundation of necessity of land transfer;
- conclusion of the rayon department of agriculture;

- conclusion of the rayon department of irrigative system;
- decision of the executive committee of the rayon (city) Council of People's Deputies;
- decision of the executive Committee of the Oblast Council of People's Deputies.