

## REGULATION OF THE GOVERNMENT OF REPUBLIC OF TAJIKISTAN

As of 30 December 2000. N 515

**Dushanbe**

On approval of the Regulation on the procedure of compensation for the damages to the land users and losses of the agricultural production

In order to implement article 43 of the Land Code of the Republic of Tajikistan, the Government of the Republic of Tajikistan declares:

1. To approve the Regulation “On the procedure of compensation for the damages to the land users and the losses of agricultural crops” and norms for compensation of the loss of agrarian crops, caused by the withdrawal of land from the agrarian use, according to the Annex.
2. Ministry of Finance of RT, Committee for Land Resources at the Government of RT, with regard of the changes in tariffs for the goods and services, annually, while approving the report on the availability of land and its distribution by categories, farms, land users of RT of 1 January of the next year, should calculate the index for the changed norms of compensation for the losses of agrarian production, and submit it to the Government of RT for approval.
3. To consider invalid, the order of the Council of Ministers of Tajik SSR as of 15 October 1987 N 338, regulation of the Council of Ministers, Tajik SSR as of 15 September 1994, N 463 “On the procedure of compensation to the land users for the damages and losses of agrarian (forestry) products, caused by the withdrawal of land from agrarian and forestry use.

Chairman of the Government of RT

Rakhmonov

Approved

Republic of Tajikistan  
30 December 2000  
No.515

### REGULATION

On the procedure for recovery of damages and losses of the agrarian production

#### I. GENERAL STATEMENTS

1. This regulation is drafted in accordance with article 43 of the Land Code of RT, it establishes the procedure of compensation for the damage to the land users and losses of agrarian products, caused by the withdrawal of land from the agrarian use.
2. This regulation is valid for all types of agrarian land
3. The estimation of damage to the land user and the loss of agrarian products, caused by the withdrawal of the land from the agrarian use for the state and public needs, as well as for the individual activities of citizens, is done at the stage of the preliminary agreement on the place of location of the object and is specified in the official documents for land allocation.

4. Upon the withdrawal of the cropped land, and its use for non-agrarian sectors, the size of its loss is fixed by the land management projects (land utilization), and based on it, the local Khukumats (except regional and towns khukumats) make decisions on granting the corresponding right to land use.

## 2. COMPENSATION OF THE DAMAGE TO THE LAND USERS

5. The inflicted damage to the land users is subject to full compensation in cases of:

- withdrawal of land for the state needs, that cause the termination of the right for the land use;
- restriction of the right of the land user, in the result of introduction the special regimes of the land use
- degradation of the quality of land, caused by the object construction and operation, discharging harmful for the agricultural crops and plants particles, and causing the decline of soil fertility.

6. The losses to the land users are compensated at the expense of the legal and physical entities, to whom the land is given for use.

7. At estimating the costs of damage to the land user, the following should be taken in to account:

- The cost of purchase of the right for the land use, with regard of inflation
- the cost of the real estate, located on the plot of land, including fruit trees, berry bush woods, hedges and old trees
- the cost of on going (unaccomplished) production of works (as ploughing, fallow, fertilizing, seeding and other works)
- the cost of not gathered agrarian harvest.
- Other damage inflicted to the land users, caused early termination of duties under contracts and agreements.

8. The estimation of damage, inflicted to the land users at withdrawal of cropping arable field, will be done on the basis of the relevant documents, submitted by the land user

9. The size of the loss for the land users, resulting from withdrawal of plot of land, or its temporary use (occupation), will be estimated in the following procedure:

- estimation of cost of the residential houses, social and cultural objects, industrial and other buildings and constructions, located on the allocated or temporary occupied plot of land, and also the buildings, erections and other objects, located outside the withdrawn land, if their further assigned utilization seems impossible, will be calculated based on the balance of cost of the building and is depreciation.
- the estimation of the cost of plantings of fruits trees, multiyear fruit trees, as well as planting preventive plants, and other seedling is based on the estimates of their balance cost
- the cost of plantings of unfruitful fruit trees, and beery bushwood, will be based on the actual expenses for their planting and care by the land users
- the cost of the preparation of soil, planting of seedlings and care, and other types of works will be based on the established prices.
- the cost of purchasing plantings will be estimated based on the sale price the planting farms or on the market price
- the cost of mineral fertilizers is based on the prices, set for sale by their land users
- the cost of organic fertilizer is estimated based on the actual expenses
- the cost of unaccomplished on-going production as (farrow, fertilizing, seeding, care and other on going works) is estimated based on the actual expenses for the accomplished by the land

users works, by prices for the separate types, and also price of planted seeds, input mineral and organic fertilizers and others, but which were not used due to the withdrawal or temporary use of land.

The set of agro technical measures for the cropping (at implementation of which the land user gets right for compensation of the cost of the harvest) is established in accordance with the zone (area) -based systems of land cropping for each culture.

- the cost of seeds, mineral and organic fertilizers will be compensated to the land users, based on their actual expenses or on their market price

- when the irrigation objects, built by public budget, and are later transferred to the land users balance and in the course of their use they spent money for its operation (repair, expansion), then at withdrawal of land, the mentioned expenses (losses) should be compensated to the land users, based on their initial price.

10. Legal and physical entities, who are given land, by agreement with the land users, will compensate its cost or instead of the compensation of the cost of buildings and other constructions, objects, located on it, they, by their own means and resources, and with the support of the involved organizations, move them to new places or construct new such like buildings, constructions and other objects.

11. The rational of moving constructions and erections to a new place and their rehabilitation, construction of new buildings, erections and other objects, replacing the destroyed objects, will be defined by the members of the Committee, formed according to para 31 below of this Regulation.

12. Expenses, related to compensation of damage, inflicted to the land users, are stipulated in the invoice bill of the construction of objects, for which the land is withdrawn or temporary occupied in order to place them, or refer to the results of the farming activity of legal or physical entities, who were given land for their disposal.

13. At withdrawal or temporary use (occupation) of the plot of land, which causes full or partial breakdown of water supply system, irrigation, drainage, transport network, operations of preventive facilities from flood or wind, the size of damage will be estimated based on the cost of invoice for constructions of new erections or rehabilitation of the existing erection, including the cost of project survey, according to existing norms and prices.

14. At estimating expenses, required for rehabilitation of the degraded land, the expenses for soil, agrochemical and other special surveys, projects designs and the cost of the measures, aimed at revival of soils, are taken into account.

15. The plots of land under agricultural crops, are allocated to a new land user, as a rule after gathering the harvest. In exclusive cases, at allocation of land prior the harvesting, the cost of the potential harvest is compensated, if at a time of allocation the main agrotechnical works from cropping are accomplished. At this, the volume of harvest is estimated as average for the last 5 years cropping of this culture in the farm, based on the actual sale price in this area.

The possible harvest of fodder is transferred to the fodder units, and its price will be estimated, based on the actual price of the oat in the mentioned area. In this case the cost of the unaccomplished production is not compensated.

16. The damages, caused termination of the use of the water source (well, canal, pools, etc) are estimated based on the actual expenses of the farms for their construction, or by the cost of works for construction of the new water sources, with the equal water debit.

17. If at land withdrawal, the assessment committee will find necessary to conduct interfarms and inside the farm land utilization (works), and also design the planning projects and construction of residential houses, the expenses for the implementation of these works will be covered by legal or physical entities, who have been allocated the plot of land for ever or for temporary use.

18. The damage caused by the inconvenient use of land (as islands in flooding the reservoirs, destruction of the traffic communication, separation, isolation of the areas, etc) are estimated based on the sum of one time expenses for construction of dams, bridges, roads, passes and other erections as well as purchase of boats, ferryboat and other transportation means.

19. The damage to the land users, caused by the withdrawal of the plot of land or its temporary use (occupation), are dined based on the actual expenses.

### 3. COMPENSATION OF LOSS TO THE CITIZENS

20. At leveling constructions, which belonged to the citizens as private property of the citizens, caused by the allocation of land in towns, cities, and other settlements for the sake of state and public needs, these citizens are paid compensation for the leveled constructions and buildings (house, basement, warehouse, well, etc), or by their desire (to them and the mebers of their family) the flats are given by the established norms, from public budget.

To other people, who lived in the houses, which should be leveled, not less than 1 year, the dwelling space is granted under the established norms.

The enterprises, agencies and other organizations, irrespective of the type of property, and also physical and legal entities, who are allotted a land with dwelling and farming erections, belonging to the citizens as private property, they compensate the cost of erections from their own funds.

21. Legal and physical entities, who are allotted a land, pay to the citizens the price of the seedlings and multiyear bush woods, and the prices of the gardening and hand raising, based on the established prices.

22. At withdrawal or temporary use (occupation) of plot of land which was under collective gardening and hand raising, or individual business farming, the following expenses will be compensated

- the cost of building, construction and other objects that are on the plot of land
- the cost of unused expenses, ( fallow, fertilizers, seeding and other works), which will be estimated based on the existing prices for such works in state farms, located in this area, and on retail prices for seeds, seedlings, fertilizers.

### 4. COMPENSATION FOR THE LOSS OF AGRICULTURAL PRODUCTION

23. With the aim to cultivate new land, in exchange of the withdrawn agrarian lands and ensure the required level of agricultural production, the legal and physical entities who are given land for construction and other needs will compensate ( in addition to the compensation to the land users) the loss of agricultural production.

24. The compensation of losses of crop production will be done by legal and physical entities, who are allotted agrarian plot of land for non-agrarian purposes.

25. The losses are compensated in full size at withdrawal of land for the constant use, and for the temporary use (occupation) of land – they will be compensated under condition of rehabilitation and re-cultivation of the degraded land under cropping.

26. At coating the fertile stratum of soil to the degraded fields or to the field with poor yield by the expenses of the legal or physical entities, who are given the land, the expenses are compensated, including the sum, spent for the rehabilitation of the fields..

27. The message on the size of the loss of the agricultural production is conveyed to the person , who is interested in land allocation, and if he agrees, it is legalized in the act, approved by the decision of the local Khukumat to grant a right for the land use.

28. In order to estimate the volume of the loss of the agrarian production the planning – mapping material are used, as well as land utilization projects, data of the soil surveys, land cadastre and land monitoring.

29. The cost of the loss of the crops is estimated based on regulations, approved by the Government of RT.

#### 5. THE LIST OF PERSONS, RELIEFED FROM PAYING COMPENSATION FOR THE LOSS OF AGRICULTURAL PRODUCTION

30. The list of persons, who are released from compensation for the loss of the agricultural production, is stipulated in the article 45 of the Land Code of RT.

#### 6. PROCEDURE OF ESTIMATING THE DAMAGE TO THE LAND USER AND LOSS OF THE AGRICULTURAL PRODUCTION

31. In order to identify the damage to the land users, and loss of agricultural production, caused by the withdrawal of land or its temporary use (occupation), the following assessment committee will be set up, composed from the members of the rayon khukumats, town administration:

- Deputy Chairman of the oblast, city (chairman of the committee)
- Chairman of the oblast (town) committee for land and land management(utilization)
- Regional (city) architect
- Representative of the water sector
- Representative of the regional environment protection
- Representative of sanitation and fire control
- Representative of the land users, who is withdrawn the land or whose land will be temporary occupied (used).

- Representatives of the organizations and enterprises, interested in the land allocation, and representatives from other places, and from local self-governing mahallas, by the decision of the local Khukumat

32. Based on the results of the work of committee, the act (document) is drafted , with the indication of size of to be compensated loss of the agricultural production, which is reviewed and approved by the decision of local Khukumat.

33. Disputes related to the estimation of the loss of agricultural crops, can be considered in the court procedure.

7. THE PROCEDURE OF THE USE OF THE INCOMING FUNDS FROM  
COMPENSATION OF THE DAMAGE TO THE LAND USERS AND LOSS OF AGRARIAN  
PRODUCTION.

34. The funds, assigned for compensation of the damage to the land users, inflicted by the withdrawal of the plot of land or its temporary use (occupation), will be transferred to the legal and physical entities, who are given the allocated land prior the beginning of construction and are used for the assigned purpose.
35. The fund, allocated for the compensation of the loss of the agricultural production will be transferred to the special accounts of the public budget
36. Unused funds, assigned for the compensation of the loss of the agrarian production, by end of the year will not be withdrawn, they are reshuffled to a next year budget and will be used for the assigned purposes.
37. The incoming funds from compensation the loss of agricultural production will be used to finance such measures as:
- cultivation of new land
  - improve irrigation of land and upgrade the soil fertility
  - Land works (including demarcation and revival of borders between the plots of land in area, drafting drawings, plan, technical equipment of state land works)
  - realize measures to prevent soil erosion
  - conduct research, topographical - geodesy surveys, aerospace, mapping, inventory, soil, assessment and other research, with the aim to introduce cadastre and land monitoring
  - Public control over the land use and protection of land
38. The Committee for Land Resources and Land management (works) at the Government of RT will be the client (customer) for implementation of measures, mentioned under para 37 of this Resolution
39. The Committee for Land Resources and Land management (works) at the Government of RT, based on the priority of measures, stipulated in para 37 of this Regulation, and with the regard of the proposals of the local authorities, solicits the financial agencies of RT for allocation of resources to fund the stipulated measures by the programme, within the approved cost..
40. Financing the research and survey works is done according to the project-design estimated cost documentation for the rehabilitation and re-cultivation of land.
41. The control over the implementation of activities, mentioned in paras 35 and 37 of this Regulation, and over the timely delivery of funds for compensation of the loss of agricultural production will be executed by the Committee for Land and Land Management (works) at the Government of RT and its affiliations in the regions.

**ACT**

On the estimation of the size of the loss of the agricultural production, caused by the withdrawal of land from agrarian use

As of \_\_\_\_\_ (date, year, month)

Chairman of \_\_\_\_\_ (Land committee of the region, town, oblast)

Name \_\_\_\_\_

Representative \_\_\_\_\_ (land user)

Name \_\_\_\_\_

This document is prepared to show, as mentioned above, the cost of the newly cultivated land, in exchange for the allocated land:

on \_\_\_\_\_ (name of the organization, agency)

For the construction of \_\_\_\_\_ -- is defined

The total area \_\_\_\_\_ of which \_\_\_\_\_

In accordance with the approved measure, the compensation of the price of the required crops

N \_\_\_\_\_ as of \_\_\_\_\_

Estimated from 1, 0 ha

Calculation:

The cost of the newly cultivated land, in exchange of the allotted land, for the object will be \_\_\_\_\_ somoni \_\_\_\_\_ dirams

\_\_\_\_\_ (in writing)

That the client is responsible to transfer funds to the special account of the public budget

Certificate for the right to land use will be given after transfer of money for the compensation for the newly cultivated land.

Signature and names of the members of commission

**Payment for the loss of the crop production, resulted from the withdrawal of land from the agrarian use, by regions and administrative oblasts of RT (somon/ha)**

N	N	Cadastre regions and oblasts	Cropping land		
			Irrigated	Rain fed	
			Arable fields and multi year planting	Arable fields and multi year planting	Pastures and grassland
1	2	3	4	5	6



<b>1</b>	<b>Leninabad (without Zarafshon regions)</b>		<b>11287</b>	<b>1105</b>	<b>547</b>
	1	Asht	11269	1105	488
	2	B. Gafurov	11285	1128	547
	3	Gonchi	4768	1152	606
	4	Zafarobod	13216	1105	488
	5	J. Rasoulov	13381	1226	606
	6	Isfara	12476	1105	671
	7	Konibodom	12457	1105	241
	8	Mastchoh	13117	1299	488
	9	Nau	13613	1299	488
	10	Uroteppa	5098	1226	671
	11	Shahriston	3679	1055	606
<b>1a</b>	<b>Regions of Zarafshon valley</b>		<b>22839</b>	<b>1816</b>	<b>547</b>
	1	Ayni	21765	1827	488
	2	Gorno-Mastcha	21765	1827	488
	3	Penjakent	23833	1804	606
<b>2</b>	<b>Hissar regions</b>		<b>14724</b>	<b>3466</b>	<b>772</b>
	1	Dushanbe	13271	3398	809
	2	Varzob	10645	3508	735
	3	Hissor	16906	2618	735
	4	Kofarnihon	10422	3732	735
	5	Lenin	13271	3398	809
	6	Tursun-Soda	16319	2421	650
	7	Shahrinav	18965	2730	809
	8	Fayzobod	11628	6069	872
<b>3</b>	<b>Garm regions</b>		<b>7525</b>	<b>4035</b>	<b>762</b>
	1				
	2				
	3	Jirgital	7513	3513	747
	4	Rogun	6444	3918	815
	5	Tavildara	7808	3554	679
	6	Tojikobob	8810	4208	877
<b>4</b>	<b>Kulab</b>		<b>16699</b>	<b>4761</b>	<b>1472</b>
	1	Baljuvon	3765	5949	1124
	2	Bose	19916	5080	2101
	3	Dangara	12738	5949	1259
	4	Kulob	18735	5169	1332
	5	Moskva	18778	4863	1332
	6	Muminobod	4334	6035	1405
	7	Norak	11288	5064	747
	8	Sovetskiy	12277	5992	1613
	9	Farhor	16852	4603	702
	10	Hovaling	3765	5949	2101
	11	Shurobod	7988	5472	1472
		<b>Vakhsh</b>	<b>18255</b>	<b>5930</b>	<b>582</b>
	1	Beshkent	17756	5930	389



**USAID - ARD/Cecchi**  
**Legal Infrastructure for a Market Economy Project**

	2	Bohtar	18495	4354	582
	3	Vakhsh	19839	7194	516
	4	Gozimalik	16790	6119	647
	5	Jilikul	20872	5930	389
	6	Kabodion	19133	5930	516
	7	Kolhozobod	20838	10033	450
	8	Kumsangir	19839	5930	450
	9	Panj	20562	6119	647
	10	Sarband	17583	4228	647
	11	Khojamaston	17583	4228	647
	12	Shahrtuz	17756	5930	389
	13	Yovon	11211	6181	708
<b>6</b>		<b>GBAO (without Murgab)</b>	<b>6591</b>	<b>1315</b>	<b>368</b>
	1	City Khorug	5543	1315	357
	2	Vanch	8921	1315	295
	3	Darvaz	8496	1315	420
	4	Ishkoshim	5226	1315	357
	5	Roshtkala	6591	1315	357
	6	Rushon	8179	1315	295
	7	Shugnon	5543	1315	357
		<b>TOTAL IN RT</b>	<b>14789</b>	<b>3344</b>	<b>785</b>

Note: The amount for the compensation of the loss of crop production was calculated based on the main criteria and on the exchange rate \$1 = TJS1.5