

LAW OF THE REPUBLIC TAJIKISTAN
“ON INDIVIDUAL PART-TIME FARM »

CHAPTER 1. GENERAL PROVISIONS

Article 1. Goal of the present Law

The present Law determines legal bases of organization and management of the citizens' individual part-time farms, and also measures of their support by organs of state power and local government, and guarantees to the citizens of the Republic of Tajikistan the right to organize individual part-time farms, their economic independence, protection of rights and legitimate interests of the citizens who manage individual part-time farms.

Article 2. Legislation on individual part-time farm

The legislation of the Republic of Tajikistan on individual part-time farms shall be based on the Constitution of the Republic of Tajikistan, and will consist of the present Law, other normative legal acts, and also international legal acts recognized by the Republic of Tajikistan.

Article 3. Concept of an individual part-time farm

1. The individual part-time farm is a farm to be managed by individual work of the citizen or the members of his/her family in order to produce agricultural products and satisfy the needs for foodstuffs and other needs.

2. The citizens' activity on management of the individual part-time farm shall not relate to the business activity.

3. A citizen or the members of his/her family shall manage the individual part-time farm.

4. Members of an individual part-time farm shall be spouses, children, adopted children, parents and other cohabiting relatives.

CHAPTER II. ORGANIZATION AND MANAGEMENT OF THE INDIVIDUAL PART-TIME
FARM

Article 4. Right of the citizens to organize and manage the individual part-time farm

1. The capable citizens of the Republic of Tajikistan shall accrue the right to organize and manage the individual part-time farm on acquiring land plots for management of the part time farms in the procedure established by Land Law on the rights of perpetual use of land or lifetime ownership with right of inheritance.

2. The resident citizens of the Republic of Tajikistan shall have the right according to the procedure established by the legislation of the Republic of Tajikistan to be assigned the land plots from the uniform state land fund for organization and management of the individual part-time farm.

3. The citizens of cities and urban settlements shall have the right to organization and management of the individual part-time farm, to be assigned land plots for lifetime ownership with right of inheritance pursuant to the legislation of the Republic of Tajikistan. The legislation of the Republic of Tajikistan shall determine the conditions for assignment of the land plots for the citizens of the given categories to manage their individual part-time farm.

4. Foreign citizens and persons without citizenship shall have the right to organization and management of the individual part-time farm in the Republic of Tajikistan in the procedure and on conditions determined by the legislation of the Republic of Tajikistan and at availability of free land fund.

Article 5. Land plots of the individual part-time farm

1. The land plots from the uniform state land fund shall be assigned to the citizens for lifetime ownership with right of inheritance or perpetual use of land for the management of their individual part-time farms. The land plots shall be assigned on submission of the local government on the basis of the decision of the state body and local government pursuant to the legislation of the Republic of Tajikistan.

2. The land plot for management of the individual part-time farm can include small land holdings and an additional land plot (hereinafter referred to as additional and plot) assigned in necessary cases for the individual part-time farm.

3. Small land holding, as a rule, is placed both near the farm house and also in the distance.

4. An additional land plot shall be assigned to the citizen from the uniform state land fund. Construction of farm houses, other buildings and constructions, and also perennial stock in the additional land plot shall be forbidden.

5. The Land Law shall provide the procedure of assignment of the land plots to the citizens for management of their individual part-time farm.

6. The Land Law of the Republic of Tajikistan shall establish maximal sizes of small holding and additional land plots provided for the citizens to manage their individual part-time farms.

Article 6. Procedure of the individual part-time farm management

1. The members of the individual part-time farm shall manage their part-time farm at their own discretion and under their responsibility; under mutual arrangement they shall appoint head of the individual part-time farm or other persons for fulfillment of transactions and representation with special power of attorney. The name of the head of the individual part-time farm shall be indicated in the register of the rural (settlement) djamoats.

2. The citizens participating in the individual part-time farm management can join agricultural and other organizations, dekhkan farms (farms) and other citizens directly and through consumer cooperative societies representing their interests as far as contractual relations in the field of manufacture, agricultural procurement contracts or deliveries of agricultural production, performance of works and rendering of services are concerned.

3. Interference of the organs of state power and local governments in the activity of the citizens of the individual part-time farm management shall not be admitted unless otherwise stipulated by the legislation of the Republic of Tajikistan.

4. Individual part-time farms can be united in agricultural co-operatives and consumer societies to implement joint activity in manufacture, processing, storage of agricultural products and selling its surpluses, and also to insure, credit, maintain material service of the individual part-time farms in the procedure determined by the legislation.

Article 7. State and other support of the individual part-time farms

1. State support of the individual part-time farms shall be carried out in the procedure established by the legislation of the Republic of Tajikistan.

2. The organs of state power and local governments shall support individual part-time farms by the following directions:

organization of agricultural co-operatives on using agricultural machinery, processing of land, manufacture, processing, storage of agricultural production;

expansion of engineering-technical, meliorative, veterinary, livestock, agronomical and information-consulting services;

production and sale of surpluses of agricultural products,

liquidation of consequences of extreme situations;
assignment grazing land and hay land;
lending ob collateral to purchase machinery and equipment, breeding cattle in the procedure established in regard of the dekhkan farms (farms);
- other problems stipulated by the legislation of the Republic of Tajikistan.

CHAPTER III. RIGHTS AND OBLIGATIONS OF THE CITIZENS OF THE INDIVIDUAL PART-TIME FARMS

Article 8. Rights of the citizens of the individual part-time farm:

1. The citizens of the individual part-time farm shall own property, inherit and bequeath property, create legal entities together with other citizens and legal entities, make any transactions that do not contradict to the law, and participate in obligations, have other property and individual non-property rights.

2. The citizens who manage their individual part-time farms on the land belonging to them according to the lifetime ownership with right of inheritance or perpetual use of land shall have the right to build farm houses, manufacturing and other buildings, structures and constructions necessary for the individual part-time farm management on the individual land plots, reorganize or tear down them under the condition of observance of town-planning, building norms and rules, as well as the requirements on the target designation of the land plot.

3. Withdrawal for the state needs of the land plots assigned for the individual part-time farm management shall be made after assignment to the citizens implementing individual part-time farm management on former conditions of the equivalent land plots with the farm houses, manufacturing buildings, structures and constructions built to be similar to the withdrawn ones and expenses compensated in full that associate with settlement in the new place unless otherwise established by the agreement of the parties, or at the choice of the owner of property after full indemnification to the proprietors of the withdrawn property including loss of profits.

4. The owner of the land plot given for the individual part-time farm management shall have the right to stop access of strangers to the given land plot by fencing it, or by a different way, to clearly denote that it is not admitted to enter the given plot without his permission.

5. The claim to property of the individual part-time farm under obligations of its members shall be admitted on the basis of the court decision.

6. The citizens who manage the individual part-time farms shall also have other rights stipulated by Civil Code and land legislations.

Article 9. Obligations of the citizens having individual part-time farms

1. The citizens having individual part-time farms shall be obliged:

- to bear the burden of maintenance of the land plots;
- to use the land plots according to their designated purpose and not to damage the land while using it, not to damage both natural and economic entity, and environment;
- to pay taxes for using the land plot in due time;
- while constructing farm houses, manufacturing and other buildings, structures and constructions, accomplishments of the adjoining territories to maintain the real estate in conformity with architectural planning, building, ecological, sanitary-and-hygienic, fire-prevention and other established requirements;

- to observe sanitary-and-hygienic and veterinary rules of the livestock management, meliorative, agro-technical requirements of cultivation of the agricultural crops, the established modes, restrictions and easements;
- to utilize the land plot during the term established by the legislation;
- to carry out other requirements stipulated by the legislation.

Article 10. Cessation of membership in the individual part-time farm

Membership in the individual part-time farm shall be stopped in cases of:

- death of a member of the individual part-time farm;
- submission of the application on cessation of membership;
- non-cohabitation with other members of the individual part-time farm;
- nonparticipation in joint individual part-time farm management for over a year, except for disease, active service (calling to arms of the Republic of Tajikistan), receiving education in elementary, vocational, secondary vocational and higher educational institutions, elective service, with the consent of the members of the individual part-time farm to go to work in the other region of the republic or abroad, and in other case established by the legislation;
- in other cases stipulated by the legislation of the Republic of Tajikistan.

CHAPTER IV. PROPERTY OF THE INDIVIDUAL PART-TIME FARM

Article 11. Property of the individual part-time farm

1. The property of the individual part-time farm can include cattle and poultry, bees, perennial plants, farm houses, manufacturing and other structures and the constructions necessary for the individual part-time farm management, agricultural machinery, stock, vehicles and other material resources, and also agricultural production.

2. The property specified on Part 1 of the present article shall common joint property of the members of the individual part-time farm unless otherwise stipulated by the contract made between them.

3. Individual incomes and savings of a member of the individual part-time farm, and also the property acquired by him for the individual means, or inherited, or transferred by gift of property and not transferred to the property of the individual part-time farm shall make individual property of the given member of the part-time farm.

4. Enjoyment and disposal of the property of the individual part-time farm shall be implemented with the consent of all its members.

5. The members of the individual part-time farm shall be liable for the transactions accomplished by them if from the factual background does not follow that the transaction is accomplished in personal interests of the given member of the individual part-time farm.

Article 12. Partition (division) of property of the individual part-time farm

1. The partition of property of the individual part-time farm can be carried out on demand of the capable members of the individual part-time farm pursuant to the Civil Code legislation of the Republic of Tajikistan.

2. Division of participatory share of the individual part-time farm can be carried out on demand of one of the capable members of the individual part-time farm at termination of his/her membership in the individual part-time farm. Thus small holding can be divided into independent land plots with the sizes of not less than minimal norms pursuant to the legislation of the Republic of Tajikistan.

3. In case the small holding has the sizes of less than minimal norms established by the legislation of the Republic of Tajikistan it shall not subject to partition. A member of the individual part-time farm at the termination of his/her membership in the individual part-time farm shall have the right to receive pecuniary compensation to be equal of his share in the joint property.

Article 13. Inheritance of property of the individual part-time farm

1. The property of the individual part-time farm and the land plots shall be inherited in the procedure established by the Civil Code and Land Law of the Republic of Tajikistan. Thus the heirs that continue the individual part-time farm management shall have the right of priority to receive such property and the land plot. The heirs that do not desire to manage the individual part-time farm shall have the right to receive pecuniary compensation to be equal of the share in the inherited property.

2. If the heirs refuse to manage the individual part-time farm then the partition of the property of the individual part-time farm shall carried out with the consent of the heirs, or the given property shall be used by them together for other purposes. Utilization of the land plot in this case should be determined in the procedure established by the land legislation.

3. In case there are no heirs by law or heirs by will the question of partition of property of the individual part-time farm shall be solved pursuant to the legislation of the Republic of Tajikistan.

CHAPTER V. DISPOSITION OF THE AGRICULTURAL PRODUCTION MADE IN THE
INDIVIDUAL PART-TIME FARMS, ITS PROCESSING AND RECORD THE ORDER

Article 14. Manufacture, processing and sale of agricultural production in the individual part-time farms

1. The agricultural production made in the individual part-time farms shall be the property of the citizens who manage individual part-time farm, and they shall have the right to dispose of the production at their own discretion.

2. The local governments can create local procurement organizations to accept agricultural products made in the individual part-time farms for its processing, storage and sale.

3. The local governments shall be obliged to provide members of the individual part-time farm with trading places for sales of the agricultural products made by them.

Article 15. Record of the individual part-time farms

The record of the individual part-time farms shall be carried out local government in the register. The registers shall be the basic documents of the primary record and shall contain the data on the population of the rural districts, availability of land, cattle, farm houses and other property at their disposal. The Government of the Republic of Tajikistan shall establish the structure of parameters and procedure of keeping the registers.

CHAPTER VI. TERMINATION OF MANAGEMENT OF THE INDIVIDUAL PART-TIME

Article 16. The bases for termination of management of the individual part-time farm:

1. Management of the individual part-time farm shall stop on the basis of the local government's decision in case:

- of decision-making by the members of the individual part-time farm on the termination of the individual part-time farm management;

- there is neither a single member of the individual part-time farm nor a heir who wish to manage the given farm;

- of terminations of the land property rights owing to the withdrawal of the land in the procedure established by the legislation for the state or municipal needs;
- the members of the individual part-time farm refuse to manage the individual part-time farm since they possess other land plots;
- of other circumstances stipulated in the Land Law of the Republic of Tajikistan.

Article 17. Procedure of termination of the individual part-time farm

1. In case of termination of the individual part-time farm management under the decision of its members, the members shall submit the corresponding application to the local government where the individual part-time farm is located.

2. In case the court or the organ of state and local power authorized to make decision on withdrawal of the land plot make decision on termination for the rights to the land plot, they shall be obliged to send such a decision to the local government where the individual part-time farm is located.

3. In all other cases it is the local government that shall make decision on termination of the individual part-time farm management.

4. The individual part-time farm management shall be considered stopped from the date of the record is made in the register and in the registration book of the regional (city) land committee.

CHAPTER VII. FINAL PROVISIONS

Article 18. Taxation of the individual part-time farm

The taxation of the individual part-time farm shall be carried out pursuant to the legislation of the Republic of Tajikistan.

Article 19. Responsibility for infringement of the legislation on individual part-time farm

Natural persons and legal entities shall be responsible for infringement of the legislation on individual part-time farms pursuant to the legislation of the Republic of Tajikistan.

Article 20. Settlement of disputes

The disputes on the individual part-time farms shall be settled pursuant to the legislation of the Republic of Tajikistan.

Article 21. Putting the law into execution

The present Law shall be put into execution after its official publication.

President
Republic of Tajikistan

E.Rahmonov

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