

THE LAW OF THE REPUBLIC OF TAJIKISTAN

"ON GEODESY AND CARTOGRAPHY"

The given Law determines the legal basics of the activity in the sphere of geodesy and cartography, and it is aimed at creation of conditions for satisfaction of demands of the state, physical and legal entities in geodesy and cartography production.

CHAPTER 1. GENERAL PROVISIONS

Article 1. The main notions

The following notions are used in the given Law:

- geodesy is the sphere of relations appearing in the scientific, technical and industrial activity to define figures, sizes, gravitation field of earth, coordinates of points of the earth surface and their changes during time periods;

- cartography is the sphere of relations appearing in the scientific, technical and industrial activity on examination, creation and use of cartographic production, the main part of which is represented by cartographic images;

- the activity in the sphere of geodesy and cartography is scientific, technical, industrial and management activity in the sphere of geodesy and cartography;

- geodesic and cartographic works - the process of creation of geodesy and cartography production, materials and data;

- geodesic and cartographic fund is the totality of materials and data produced as a result of geodesic and cartographic activity and subjected to the long period storage with the goal of their further usage;

- cartographic production is the surface consisting of small plots of area till the general surface of earth, and quantitative and qualitative characteristics allowing to define coordinates, length, area, height, and also volume of the indicated objects and reflect their unity, interrelation, peculiarities and regularity of location;

- geodesic production is the result of geodesic, astronomy-geodesic, gravimetric and leveling surveys;

- geodesy points - the point of the earth surface, location of which is defined by the geodesic surveys in the famous system of plan coordinates;

- astronomy - geodesic point is the point of earth surface, coordinates of which are defined by geodesic surveys and astronomic observations;

- gravimetric point is the point of measurement of the attractive power of the Earth;

- leveling net is the system of points of the earth surface defining the height of the sea level by levels;

- gravimetry is the measurement of the attractive power of the Earth and measurement of its center with the goal to define the figure of the Earth;

- topography - geographical and geometric examination of the area;
- hydrography - description of rivers, lakes, storage ponds and their separate parts with qualitative and quantitative characteristics;
- delimitation is definition of location and direction of the state boarder by linear sketch;
- demarcation is determination of the line of the state boarder of the area;
- bore - preliminary research of natural resources through aerospace shooting.

Article 2. The legislation of the Republic of Tajikistan on geodesy and cartography

The legislation of the Republic of Tajikistan on geodesy and cartography is based on the Constitution of the Republic of Tajikistan and consists of the given law, other normative legal acts of the Republic of Tajikistan and also international acts declared by the Republic of Tajikistan.

Article 3. Geodesic and cartographic activity

1. The geodesic and Cartographic activity proceeding from the goal of the implemented work includes the following:

- geodesic and cartographic works of the state destination, the results of which have state, inter-branch significance;
- geodesic and cartographic works of the special (branch) destination, the necessity of which is defined by the demands of the state bodies, separate branches, physical and legal entities;

2. The following refer to the geodesic and cartographic work of the state destination:

- defining parameters of the earth figure and external gravitation field;
- creation and updating the state cartographic maps and plans in graphic, numerical, photographic and other forms, the exactness and content of which provide solution of the state, administrative- territorial, defense, scientific- research and other tasks, edition of maps and plans;
- establishment, development and maintenance of the state leveling and geodesic networks, including gravimetrically fundamental and the first class, solidity and exactness of which provide creation of topographic maps and plans, solution of the state, territorial, administrative, scientific, research and other tasks;
- distance probing of the ground with the goal to provide geodesic and cartographic activity;
- geodesic research on the base of geodesic and cosmic measurements;
- establishment and administration of the state and regional cartographic funds;
- establishment and administration of geographic informational systems of the state and regional destination;

- projection, composition and edition of the overall geographic, policy-administrative, scientific- informational and other thematic maps and atlas of inter-branch destination, educational cartographic manuals;
- implementation of geodesic, cartographic, topographic and hydrographic works with the goal to provide defense and security of the Republic of Tajikistan;
- geodesic, cartographic, topographic and hydrographic provision of delimitation, demarcation and checking the line passage of the state boarder of the Republic of Tajikistan;
- metrological provision with geodesic, cartographic and topographic works;
- standardization of topographic, geodesic and cartographic production, and also registration and arranging geographic titles in order;
- examination of the natural resources through the distance probing of the Earth;
- implementation of scientific- research and pilot- design works of the trends indicated in the given article;
- keeping cadastre of inhabited areas, buildings and installations;
- organization of the serial production of geodesic and cartographic equipment;

3. The following refer to geodesic and cartographic work of the special (branch) destination:

- development and updating of topographic plans designed for making general plans of the construction plots of various objects, underground nets and installations, anchor of buildings and installations to the plots of construction, and also for implementation of other special works;
- establishment and administration of informational systems of the special destination;
- producing thematic maps, plans and atlases of the special destination in graphic, numerical and other forms, edition of these maps, plans and atlases;
- geodesic, topographic, aerial photography and other special works during engineering investigations, constructions and exploitation of buildings and installations, fixing land boundaries, land-survey and keeping land cadastre, other investigations and special works.

Article 4. Subjects and objects of legal relationships in the sphere of geodesic and cartographic activity.

1. The subjects of legal relationship in the sphere of geodesic and cartographic activity (hereinafter - subjects of geodesic and cartographic activity) are physical and legal entities.
2. The objects of legal relationships in the sphere of geodesic and cartographic activity are the territory of the Republic of Tajikistan, internal waters, space, including natural celestial bodies.

Article 5. Competency of the Parliament (Madjlisi namoyandagon Madjlisi oli of the Republic Of Tajikistan) in the sphere of geodesy and cartography

The competency of the Parliament (Madjlisi namoyandagon Madjlisi oli of the Republic Of Tajikistan) in the sphere of geodesy and cartography includes registration of documents on delimitation and demarcation of the State border of the Republic of Tajikistan.

Article 6. Competency of the Government of the Republic of Tajikistan in the sphere of geodesy and cartography

The Competency of the Government of the Republic of Tajikistan in the sphere of geodesy and cartography includes the following:

- development of international agreements on delineation and change of the State border of the Republic of Tajikistan;
- development of materials on delimitation and demarcation of the State border of the Republic of Tajikistan;
- financing implementation of topography- geodesic and cartographic works of the state destination, and also geodesic and cartographic works of the special (branch) destination on orders of the state authority bodies of the Republic of Tajikistan;
- establishment of common state system of coordinates, heights, gravimetric measurement, and also the scaled line of the state topographic maps and plans;
- appointment of the authorized state body in the sphere of geodesy and cartography.

Article 7. Competency of the authorized state body in the sphere of geodesy and cartography

The competency of the state authorized body in the sphere of geodesy and cartography includes the following:

- provision with geodesic, cartographic and hydrographic materials for preparation of international agreements on definition and change of the State border of the Republic of Tajikistan;
- implementation of works and preparation of geodesic documents and cartographic materials on delimitation and demarcation of the State border of the Republic of Tajikistan;
- performing executive, distributive, permissive, supervision functions;
- conduction of monitoring of the objects of the state destination;
- keeping the state cadastre of the inhabited areas, buildings and installations;
- examination of natural resources through distance probing of the ground;
- registration of the state geodesic points and control of their safety;
- preparation of documents on declassification of topography- geodesic and cartographic materials;

- preparation of documents on establishment of common state systems, coordinates, heights, gravimetric measurements, and also the scaled line of the state topographic maps and plans;
- resolution of arguments during topography- geodesic and cartographic works;
- supervision of carrying one common technical policy in the sphere of geodesy and cartography;
- development and presentation of the sizes of fines for violation of laws in the sphere of geodesy and cartography for approval in the established order;

Article 8. Normative-technical documents in the sphere of geodesic and cartographic activity

1. The normative- technical documents in the sphere of geodesy and cartography determine standardization of production in the sphere of geodesy and cartography and also the order of organization of geodesic and cartographic works, technical requirements to them, norms, rules of their fulfillment, and they are confirmed by the state authorized body in the sphere of geodesy and cartography.

2. The normative- technical documents in the sphere of geodesic and cartographic activity are obligatory for implementation by all subjects of geodesic and cartography activity and they are assigned for standardization, the state regulation of geodesic and cartographic activity, and they are the basis for conduction of the state and other expertise, supervision of geodesic and cartographic activity and also for solution of points at issue.

Article 9. Metrological provision of geodesic and cartographic activity

The provision of unity of geodesic measurements, implementation of activity related to the test of devices of geodesic measurements, participation in the work on standardization of the mentioned devices, organization and implementation of the works on obligatory certification of geodesic, cartographic and topographic production, exercising metrological supervision in the sphere of geodesic, cartographic and topographic activity, exercising metrological supervision in the sphere of geodesic and cartographic activity are placed on the state authorized body in the sphere of geodesy and cartography and implemented within the limits of its own competency in compliance with the legislation of the Republic of Tajikistan in the sphere of standardization, metrology and certification.

Article 10. Financing of the geodesic and cartographic activity

1. The geodesic and cartographic activity implemented for the state needs is funded at the expanse of the state budget.
2. The state customer of geodesic and cartographic works of the state destination is the state authorized body in the sphere of geodesy and cartography, and the customer of geodesic and cartographic works of the special (branch) destination - corresponding bodies of the state authority.
3. The geodesic and cartographic activity implemented for other needs is funded at the expanse of the means of the physical and legal entities that are the customers of geodesic, cartographic and topographic production.
4. The subjects of the geodesic and cartographic activity being customers and (or) executors of geodesic, cartographic and topographic works financed by the state budget are obliged to use earlier produced geodesic and cartographic materials and data.

Article 11. The state geodesic and cartographic fund of the Republic of Tajikistan

1. The geodesic, cartographic, topographic, hydrographic, aerospace shooting, gravimetric materials and data including numerical forms received as a result of implementation of geodesic and cartographic activity, kept in the state authorized body in the sphere of geodesy and cartography and lower organizations constitute the state geodesic and cartographic fund of the Republic of Tajikistan.

2. Materials and data of the state geodesic and cartographic fund of the Republic of Tajikistan are not subjected to inclusion in the property privatized by organizations.

3. The state, departmental geodesic and cartographic funds enter the structure of the state geodesic and cartographic fund of the Republic of Tajikistan.

4. The state geodesic and cartographic funds include materials and data indicated in the part 1 of the given article having the state and inter-branch significance, existing state, inter-branch, and they are under jurisdiction of the state authorized body in the sphere of geodesy and cartography. The geodesic and cartographic funds of the bodies of the defense state authority are under its jurisdiction.

5. The departmental cartography- geodesic funds include materials and data indicated in the part 1 of the given article having special (branch) significance, and they are under jurisdiction of the corresponding bodies of the state authorities.

6. The regulations on the state and departmental geodesic and cartographic funds and lists of included materials and data are confirmed in the order defined by the Government of the Republic of Tajikistan.

7. Documents and data of the state geodesic and cartographic fund of the Republic of Tajikistan referred to the Archival Fund of the Republic of Tajikistan are kept in compliance with the legislation of the Republic of Tajikistan.

8. Payment including expenses for producing, storing and delivery of the indicated materials and data and also for selection of services of the indicated materials and data, copying them is collected for usage of the materials and data of the geodesic and cartographic fund of the Republic of Tajikistan.

9. The funds received for usage of materials and data of geodesic and cartographic fund of the Republic of Tajikistan are aimed at establishment and administration of the geodesic and cartographic fund.

10. Passing the received materials and data of the state geodesic and cartographic fund of the Republic of Tajikistan to the third persons and copying them are not allowed without permission of the corresponding body having these materials and data under its jurisdiction.

11. Access to the materials and data of the state geodesic and cartographic fund of the Republic of Tajikistan being the bearer of information and the state secret is gained in compliance with the legislation of the Republic of Tajikistan on the state secret.

12. Physical and legal entities are obliged to pass one copy of the geodesic and cartography materials and data produced by them to the corresponding geodesic and cartographic funds with reservation of copyright.

13. The state geodesic supervision of delivery of geodesic and cartographic materials and data to the corresponding geodesic and cartographic funds, storage and usage of these materials and data and also public register of the departmental, geodesic and cartographic funds is exercised by the state authorized body in the sphere of geodesy and cartography.

14. The physical and legal entities - the users of materials and data of the state geodesic and cartographic fund of the Republic of Tajikistan are obliged:

- to provide safe keeping of the materials and data received for temporary use and to return them in the fixed terms;

- not to disclose information contained in the indicated materials and given information of the state secret

15. Works on establishment and administration of geodesic and cartographic funds are financed by the state authorized body in the sphere of geodesy and cartography at the expense of the corresponding budget and payment for usage of materials and data of these funds.

Article 12. Copyright for geodesic and cartographic materials

The issues of copyright for cartographic materials including topographic, hydrographic and aerospace shooting are regulated by the corresponding legislation of the Republic of Tajikistan.

Article 13. The state ownership for geodesic and cartographic production

Geodesic and cartographic production including geodesic, cartographic, topographic, hydrographic, aerospace shooting and gravimetric materials and data received as a result of geodesic and cartographic activity, implemented at the expense of the State budget and also materials and data of the state geodesic and cartographic fund of the Republic of Tajikistan are the state ownership and administrated by the government of the Republic of Tajikistan.

Article 14. Licensing of geodesic and cartographic activity

1. The geodesic and cartographic activity is implemented on the basis of a license.

2. The license for geodesic and cartographic activity is issued on the basis of the order defined by the Law of the Republic of Tajikistan "On licensing some types of activity".

Article 15. The state geodesic supervision of geodesic and cartographic activity

1. The state geodesic supervision of geodesic and cartographic activity is exercised by the authorized body in the sphere of geodesy and cartography.

2. During the state geodesic supervision the state authorized body in the sphere of geodesy and cartography has the right:

- to demand elimination of the defined violations of the order of organization and implementation of geodesic and cartographic works, and also

concentration, registration, storage, usage and sale of geodesic and cartographic documents and data received as a result of implementation of the indicated works or aerospace shooting;

- to get access to the corresponding bodies of the state authority in the established order and also to organizations independently of their form of ownership to get acquainted with all necessary documents on issues of geodesic and cartographic activity;

- to get information necessary for performing functions anticipated by the given law from the state bodies and also organizations independently of their form of ownership in the established order.

3. The state authorized body in the sphere of geodesy and cartography is obliged to issue the corresponding information on geodesic and cartographic study of the area at the plots of planned works to the subjects of geodesic and cartographic activity.

4. The state authorized body in the sphere of geodesy and cartography is accountable for validity of issuing corresponding licenses in compliance with the legislation of the Republic of Tajikistan.

5. The regulation on the state geodesic supervision of geodesic and cartographic activity is confirmed by the Government of the Republic of Tajikistan.

Article 16. The geodesic and cartographic activity with the goal of providing defense and security of the Republic of Tajikistan

The geodesic and cartographic activity with the goal of providing defense and security of the Republic of Tajikistan is implemented by the corresponding bodies within the limits of their competencies.

Article 17. Delivery of information about the subjects of the area

At the request of the producers of the geographic, topographic or other maps and plans or the state authorized body in the sphere of geodesy and cartography the physical and legal entities being owners of the information about the objects of the area at the territory of the Republic of Tajikistan to be reflected at the geographical, topographical and other maps and plans pass the copies of the documents containing this information to them.

The bodies and producers mentioned in the given article pay the cost of copying and delivery of the given documents.

Article 18. Protection of points of the state geodesic nets

1. Astrogeodesic, geodesic, leveling and gravimetric points, ground-based marks and centers of these points (further geodesic points) and other engineer constructions built at the expense of the state budget refer to the state ownership, and they are under protection of the state.

2. Demolition of outdoor marks or repawning of the centers of geodesic points is implemented only through the permission of the state authorized body in the sphere of geodesy and cartography.

3. Users of the land plots where the geodesic points are located are obliged to inform the state authorized body in the sphere of geodesy and cartography on all cases of damage or elimination of geodesic points and also provide entrance (approach) to the geodesic points during geodesic and cartographic works.

4. Land plots for placing the geodesic points are allocated in compliance with the legislation of the Republic of Tajikistan.

5. Rules on protective zones and protection of geodesic points are confirmed by the Government of Tajikistan.

Article 19. Responsibility for violation of legislation of the Republic of Tajikistan on geodesic and cartographic activity

Violation of the legislation of the Republic of Tajikistan on geodesic and cartographic activity entails responsibility in compliance with the legislation of the Republic of Tajikistan.

Article 20. Compensation for the damage done as a result of geodesic and cartographic activity.

The liability for the damage done to a property as a result of geodesic and cartographic activity by illegal action (or inaction) by the person who committed damage shall be determined in the order established by the legislation of the Republic of Tajikistan.

CHAPTER 3. FINAL PROVISIONS

Article 21. Putting the given law in force

The given law is in force after its official publication.

President of

The Republic of Tajikistan

E. Rakhmonov

Dushanbe, March 3, 2006

172