



**The Farmland Law
(2012)**

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The Farmland Law

(The Pyidaungsu Hluttaw Law No. 11 /2012)

(The 8th Waxing Day Tagu, 1373 M.E)

(30th March, 2012)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Enforcement and Definition

1. This Law shall be called **the Farmland Law**.
2. This Law shall come into force on the designated date by notification of the President.
3. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Farmland** means land defined as low land (paddy land), upland (Ya), silty land(Kaing Kyun), hill-side cultivation land (Taungyar), perennial crops land, nipa palm land(Dhani), garden land or horticultural land or alluvial land. In this expression, housings, religious buildings and precincts within town boundary and village boundary and communal land which are not used for agriculture are not included;
 - (b) **Low Land (Paddy Land)** means land on which paddy is mainly cultivated and carried out so as to retain water after obtaining the water for cultivation by natural or artificial means;
 - (c) **Alluvial Land** means unstable land submerged under water and altered soil texture and structure by yearly water current;
 - (d) **Right to use the farmland** means The State, being the original of all Land, right to use the farmland means to cultivate and use the land by keeping in possession in accord with this law, laws, regulations and by-laws issued under this Law in order to improve agricultural production of the farmland. However the right for extraction of natural resources such as gems, minerals, petroleum and gas above and below the ground are excluded.
 - (e) **Farmer** means a person who corresponds with any of the followings:
 - (i) a person who personally works or who has been personally and continuously working the agriculture or livestock breeding or both by using the land as his main livelihood;
 - (ii) a person who personally supervises the agriculture or livestock breeding or both by using the land in respective year as his main livelihood;
 - (iii) a person who personally works or who supervises throughout the course of business by capitalizing the investment in order to produce seasonal crops, horticultural crops, perennial crops or commercial livestock breeding by using the land;

- (iv) a person who participates in businesses relating to agriculture and livestock breeding by using the land;
- (v) a person who produces and sells seedlings, seeds, breeds and offsprings by himself by using the land for agriculture, livestock breeding and the production connecting to them;
- (f) **Farmer household** means members of a family of a farmer, in which the farmer is the head of the household, who live together in that household by being related by blood or by law;
- (g) **Head of the household** means the head of a household who leads the businesses in that household;
- (h) **Development by building** means improvement which causes to increase the value of the farmland permanently by the expense or by the service of the person who has the right to use the farmland or of other persons who have the right to use the farmland before possession of that person. In that expression, building for the person who carries out the farm to live or to support the farm activities for irrigation and drainage, irrigation canals, lakes, wells, embankments, roads and other activities which are carried out to improve permanently are included. However, land clearing for cultivation, making paddy dyke and the activities which are carried out to improve temporarily are excluded.
- (i) **Guardian** means the person appointed by the relevant competent court to look after the person who has not attained age of maturity or the person of unsound mind of the property of any of that person or the property and the person;
- (j) **Farmer organization** means the farmer organization formed in accord with any law issued to support the development of rural economy;
- (k) **Ministry** means the Ministry of Agriculture and Irrigation of the Union Government;
- (l) **Department** means the Settlement and Land Records Department.

Chapter II

Permission to Use the Farmland

4. The person who has the right to use the farmland shall apply for the right to use the farmland to the Township Department via the relevant ward or village tract Administrative Body of the Farmland in accord with the stipulations.
5. Township Department shall scrutinize the application of the right to use the farmland under Section 4 in accord with the stipulations and submit it to the relevant Township Administrative Body of the Farmland.
6. Relating to the farmlands existed on the date on which this Law come into force, Township Administrative Body of the Farmland shall, with the approval of the relevant District Administrative Body of the Farmland, issue the certificate to use the farmland to the following

person or organization after registration by paying registration fees to the Township Department in accord with the stipulations:

- (a) if it is a person,
 - (i) the household which has the right to use the farmland shall be the household of the farmer or the member of the household;
 - (ii) the head of the household or the member of that household or the guardian of that household who has the right to use the farmland shall be the one who legally carrying out the Land, at present, in accordance with laws in force before this law comes into force;
 - (iii) he shall be the legal beneficiary in accord with this Law or in accord with the provisions of the rule carried out under this Law after enacting this Law;
 - (iv) he shall attain the age of 18 years;
 - (v) he shall be a citizen, an associate citizen or a naturalized citizen;
- (b) if it is an organization, it shall be the government department, governmental organization, non-governmental organization, company or association which has the right to use the farmland.

7. Township Administrative Body of the Farmland shall, with the approval of the District Administrative Body of the Farmland, issue the certificate to use the farmland to the following person or organization after registration by paying the registration fees to the Township Department in accord with the stipulations relating to the farmland on which right to use is confiscated and the farmland reclaimed by the State from time to time after enforcement of this law:

- (a) if it is a person:
 - (i) he shall carry out the agriculture by using the farmland;
 - (ii) he shall reside in the relevant ward or village tract if there is no special reason;
 - (iii) he shall attain the age of 18 years;
 - (iv) he shall be a citizen, an associate citizen or a naturalized citizen;
- (b) if it is an organization, it shall be the government department, governmental organization, non-governmental organization, company or association which is actually desirous to carry out agriculture in the farmland.

8. Township Administrative Body of the Farmland shall issue the certificate of right to use the farmland to the person who purchases, transfers or accepts the gift of the right to use the farmland or the person who has the right to use the farmland by inheritance or the person who applies the right to use the farmland in accord with this Law after reclaiming as cultivated land by having the right to carry out and use vacant, fallow and virgin land after registration by paying the registration fees to the Township Department in accord with the stipulations of this law.

Chapter III

Rights of Person who has the Right to Use the Farmland

9. The person who has the right to use the farmland shall have the following rights:
 - (a) right to have the farmland in possession, right to use the farmland, right to enjoy the benefit arises from this right;
 - (b) right to sell, mortgage, lease, exchange and gift on the whole or part of the right to use the farmland in accord with the stipulated terms and conditions;
 - (c) right to accept the decision of the relevant court in accord with the existing law if the dispute arises relating the inheritance of the right to use the farmland;
 - (d) right to use the farmland so long as there is no breach of the stipulated terms and conditions;
 - (e) right to use common interest with the investment of village co-operative or with the private investors for the development of agriculture in the farmland;
 - (f) right to use common interest the farmland in accord with the Foreign Investment Law of the Republic of the Union of Myanmar by cooperating with the foreigner or the organization in which the foreigner is included.
10. The provisions contained in Sections 4,5,6,7,8 and 9 of this Law shall not apply with the granting of alluvial land.
11. The granting alluvial lands shall be prescribed in the rule made under this Law.

Chapter IV

Terms and Conditions to be Complied by the Person who has the Right to Use the Farmland

12. The person who has the right to use the farmland:
 - (a) shall carry out the farmland as prescribed in this Law;
 - (b) shall pay land revenue and other taxes levied by the Ministry relating to the farmland;
 - (c) shall register in the relevant Township Department by paying the stamp duty and registration fees for the contract stipulated by the Department in carrying out sale, mortgage, lease, exchange and gift of the right to use the farmland;
 - (d) shall register in the relevant Township Department in accord with the stipulations when the right to use the farmland is obtained by inheritance in accord with the existing law;
 - (e) shall have the right to mortgage the right to use the farmland only for the purpose of investment for cultivation and shall mortgage it in the Government Bank or the Bank recognized by the Government;
 - (f) shall not trespass and carry out without being granted by the relevant Administrative Body of the Farmland;
 - (g) shall not use the farmland by other means without permission.

- (h) shall not change the originally cultivated crop with other kind of crop, without permission;
 - (i) shall not be fallow the farmland without sufficient reason;
 - (j) shall not sell, mortgage, lease, exchange or gift the farmland during the period before having the right to use the farmland or during the period the dispute arises relating to the right to use the farmland;
13. If the dispute relating to the right to use the farmland arises after this Law has come into force, it shall have the right to settle legally only after registration in the Department.
14. The person who has the right to use the farmland shall not sell, mortgage, lease, exchange or gift on the whole or part of the right to use the farmland without permission of the Government to any foreigner or any organization in which the foreigner is included.

Chapter V

Formation of the Various Levels of Administrative Body of the Farmland

15. The Union Government:
- (a) shall form Central Administrative Body of the Farmland including the Union Minister for the Ministry of Agriculture and Irrigation as the Chairman, the Deputy Minister for the Ministry of Agriculture and Irrigation as the Vice-chairman, the Director General of the Settlement and Land Records Department as the Secretary and the Heads of the relevant Government departments and organizations as members;
 - (b) may re-form the Central Administrative Body of the Farmland formed under Sub-section(a) from time to time.
16. The Central Administrative Body of the Farmland:
- (a) shall form the following various levels of Administrative Body of the Farmland;
 - (i) Region or State Administrative Body of the Farmland;
 - (ii) District Administrative Body of the Farmland;
 - (iii) Township Administrative Body of the Farmland;
 - (iv) Ward or Village Tract Administrative Body of the Farmland;
 - (b) may re-form the various levels of Administrative Body of the Farmland formed under Sub-section (a) from time to time

Chapter VI

Duties and Powers of the Central Administrative Body of the Farmland

17. The duties and powers of the Central Administrative Body of the Farmland are as follows:
- (a) assigning duties and powers of the various levels of Region or State, District, Township and Ward or Village Tract Administrative Body of the Farmland;

- (b) guiding and supervising in respect of registration of the right to use the farmland, issuing certificate of the right to use the farmland, permitting the right to use the farmland and settling the dispute;
- (c) guiding and supervising the matters carried out in respect of sale, mortgage, lease, exchange and gift of the right to use the farmland;
- (d) revoking the right to use the farmland of the person who is taken in any administrative action provided in Sub-sections(c) and (d) of Section 19, the farmland which is inclusive of Section 31 and the right to use the farmland of the person who is convicted under Section 37;
- (e) confirming after scrutinizing the submissions relating to the rural and urban housing projects of the Region or State Administrative Body of the Farmland to use the farmland under requirements to construct housing for the growing population and increasing households in rural and urban areas;
- (f) confirming after scrutinizing the submission of the Region or State Administrative Body of the Farmland in respect of the matter to use the farmland for school, health care centre, hospital, dispensary, library, village market, cemetery and other required buildings relating to the development of the social life of the village people;
- (g) confirming after scrutinizing the submission of the Region or State Administrative Body of the Farmland in respect of the matter to use the farmland in constructing rice-mills, storehouses of crops, necessary road for production and infrastructure and in keeping the necessary **farm-machineries and equipment** in changing over the system of manual to mechanized agriculture for the development of the agricultural sector;
- (h) confirming after scrutinizing the submission of the Region or State Administrative Body of the Farmland in respect of the matter to use the farmland for the works of improving and consolidating the farmland to change over the system of manual to mechanized agriculture for the development of agricultural sector;
- (i) granting the right to use the alluvial land and laying down, guiding and supervising the policies relating to the right of such persons;
- (j) guiding and supervising in respect of shifting cultivation;
- (k) performing the duties assigned by the Union Government in respect of the farmland from time to time.

18. The Central Administrative Body of the Farmland may empower the appropriate Administrative Body of the Farmland so that the value of the farmland is to be a proper and reasonable rate under the local circumstance in registering at the relevant Township department relating to the bilateral agreement executed in the presence of the Ward or Village Tract Administration Body of the Farmland for the matters of sale, mortgage, lease, exchange and gift of the right to use the farmland under the provisions contained in this law.

Chapter VII

Taking Action for the Failure to Comply Terms and Conditions

19. If it fails to comply with all or any of the terms and conditions contained in Section 12 of this Law, the Administrative Body of the Farmland appointed by the Ministry for this purpose may pass the following one or more order after scrutinizing in accord with this Law and the rules issued under this Law:

- (a) causing to pay the stipulated fine;
- (b) causing to carry out the farmland according to the stipulated means;
- (c) expelling the deserved person from the farmland;
- (d) removing the buildings constructed without permission on the farmland.

20. The Administrative Body of the Farmland contained in Section 19 may, direct complaint to the relevant court if it exceeds the stipulated date contained in such order if the person who has the right to use the farmland does not comply with the order passed under this section.

21. If the person who has the right to use the farmland fails to pay taxes levied by the Ministry, these taxes shall be recovered as the arrear of land revenue in accord with the existing laws.

Chapter VIII

Settlement of Dispute on the Right to Use the Farmland and Appeal

22. The Ward or Village Tract Administrative Body of the Farmland opens an original case of dispute in respect of the right to use the farmland shall make examination, hearing and decision.

23. (a) The person who is dissatisfied with the order or decision passed by the Ward or Village Tract Administrative Body of the Farmland under Section 22 may appeal to the relevant Township Administrative Body of the Farmland in accord with the stipulations within 30 days from the day of such order or decision.

(b) The Township Administrative Body of the Farmland may approve, amend or cancel the order or decision passed by the Ward or Village Tract Administrative Body of the Farmland.

24. (a) The person who is dissatisfied with the order or decision passed by the Township Administrative Body of the Farmland under Sub-section (b) of Section 23 may appeal to the relevant District Administrative Body of the Farmland in accord with the stipulations within 30 days from the day of such order or decision.

(b) The District Administrative Body of the Farmland may approve, amend or cancel the order or decision passed by the Township Administrative Body of the Farmland.

25. (a) The person who is dissatisfied with the order or decision passed by the District Administrative Body of the Farmland under Sub-section (b) of Section 24 may appeal

to the relevant Region or State Administrative Body of the Farmland in accord with the stipulations within 60 days from the day of such order or decision.

- (b) The Region or State Administrative Body of the Farmland may approve, amend or cancel the order or decision passed by the District Administrative Body of the Farmland.
- (c) The decision of the Region or State Administrative Body of the Farmland shall be final and conclusive.

Chapter IX

Indemnities and Compensations

26. Notwithstanding contained in any existing law, the Central Administrative Body of the Farmland shall coordinate as may be necessary in respect of giving compensation not to grieve absolutely for the matters carried out by the person who has the ownership right to use the farmland including the land confiscated for the interests of the State or the public interests and development by building on such land and managing by other means by the relevant.

27. The person whose right to use the farmland is revoked or the farmland is recovered by the Central Administrative Body of the Farmland under Sub-section (d) of Section 17 shall not have the right to enjoy compensation.

Chapter X

Utilization of Farmland

28. In respect of application to alter originally cultivated crops to others:

- (a) The Central Administrative Body of the Farmland may permit to cultivate other crops in low land (paddy land) after scrutinizing in accord with the stipulations so as not to affect the sufficiency of rice which is the staple crop of the State;
- (b) The relevant Region or State Administrative Body of the Farmland may, if it is to alter crops in the farmland except low land (paddy land), permit after scrutinizing in accord with the stipulations.

29. In order to use the farmland by other means for the purpose of long-term national interests of the State, the relevant Ministry that will implement the huge projects may carry out with the approval of the Union Government after obtaining remark of the Central Administrative Body of the Farmland.

30. In respect of application to use the farmland by other means for the interests of the public:

- (a) the Central Administrative Body of the Farmland may permit to use the low land (paddy land) by other means with the recommendation of the Region or State Administrative Body of the Farmland;
- (b) The relevant Region or State Government Organization may permit to use the farmland by other means except low land (paddy land) with the recommendation of the Region or State Administrative Body of the Farmland.

31. The Central Administrative Body of the Farmland may, if the farmland is not put into effect as the stipulated manner within six months from the permitted day or if the business is not completed within the stipulated period after having permission to use the farmland by other means under Section 30, confiscate such farmland.

Chapter XI

Administration of the Farmland

32. In confiscating the farmland for the projects of the State interests, only the required minimum area shall be confiscated. The project shall be implemented to complete as soon as possible within the prescribed period and when the project is not carrying out, it shall be returned to the person or organization which has the original right to use the farmland.

33. The Union Government or the authority assigned by the Union Government for this purpose shall, except summons by other means, continue to keep not to damage pastures and communal land of the village.

34. In respect of vacant, fallow and virgin lands that are permitted to carry out or use for agriculture and livestock breeding businesses, when the cultivation and production of crops is stable, the Central Committee for the management of vacant, fallow and virgin lands shall alter and stipulate as the farmland and cause to involve in this Law.

Chapter XII

Offences and Penalties

35. Any person who has the right to use the farmland fails to comply with the order passed under Section 19 or the order or decision passed in the dispute of the right to use the farmland under this Law shall, on conviction, be punished with imprisonment for a minimum of six months to a maximum of two years and shall also be liable to fine for a minimum of three hundred thousand kyats to a maximum of five hundred thousand kyats.

36. The person who is convicted of failing to comply with the order passed under Section 19 shall, if previously convicted with the same offence, be punished with maximum imprisonment contained in Section 35 for the subsequent offence.

37. Any person who has the right to use the farmland breaches and commits the prohibitions contained in Section 14 shall, on conviction, be punished with imprisonment for a minimum of one year to a maximum of three years and shall also be liable to fine not less than one million. Moreover, money and properties relating to the offence shall be confiscated.

Chapter XIII

Miscellaneous

38. The Farmer organization may be formed as Laws provided for the socio-economic development of the farmers.

39. The members assigned in various levels of Administrative Body of the Farmland formed under this Law shall be deemed as civil servants under the interpretation contained in Section 21 of the Code of Criminal Procedure.
40. No proceedings shall be filed at any court for any matter carried out in good faith in accord with this Law or rules made under this Law to the members of various levels of Administrative Body of the Farmland.
41. The offence filed under Section 37 is determined as cognizable offence.
42. In implementing the provisions contained in this Law:
- (a) the Ministry may issue rules, regulations and by-laws with the approval of the Union Government if necessary;
 - (b) the Central Administrative Body of the Farmland and the Department may issue the necessary notifications, orders, directives and procedures.
43. The following laws are repealed by this Law:
- (a) The Land Nationalization Act, 1953;
 - (b) Tenancy Law, 1963;
 - (c) Peasant's Right Protection Law, 1963.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein

President

The Republic of the Union of Myanmar