

The Land Acquisition, Resettlement and Rehabilitation Law

(The Pyidaungsu Hluttaw Law No. 24, 2019)

The 4th Waning Day of Wagaung, 1381 M.E.

(19 August 2019)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Commencement, Application and Definitions

1. (a) This Law shall be called **the Land Acquisition, Resettlement and Rehabilitation Law**.
(b) This Law shall come into force on the date specified in the notification issued by the President.
2. The provisions of this Law shall apply to land acquisition, payment of compensation and damages, resettlement and, social and economic rehabilitation when the land is acquired by the Union Government or with the approval of the Union Government for public purpose, including permanent or temporary use of, holding of and supervision on land, as may be necessary, and shall also apply to:
 - (a) land requirements for national defence and security;
 - (b) projects to be carried out for the development of the State in accordance with the national economic policy;
 - (c) socioeconomic development projects as set out in the National Planning Law;
 - (d) projects for urban and rural extension, and infrastructure development projects;
 - (e) rehabilitation and resettlement matters; and
 - (f) acquisition of land under any other existing law other than payment of compensation and damages for acquisition of farmland in accordance with the Farmland Law and for reclamation of vacant, fallow and virgin land in accordance with the Vacant, Fallow and Virgin Land Law.
3. The following expressions in this Law shall have the meanings given below:
 - (a) **Land** includes land and benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

- (b) **Extended family** means family members who live together and who could be either blood-related or related by marriage;
- (c) **Landowner** means a person and his or her extended family who own the land with sound evidence and who are entitled to claim compensation, damages and other entitlements bestowed by this Law for being affected by land acquisition. This expression also includes the following affected persons:
- (i) a person who is registered in the land record under any existing law as the owner or person who has the right to hold or use land or building or a part thereof or person interested in the same;
 - (ii) a person who holds land or who has land ownership right under any existing law;
 - (iii) a person who has been declared or listed as the landowner by order of the court or authorized person or organization; and
 - (iv) a person who is accepted by local community and recognized by Nay Pyi Taw Council or relevant Region or State Government as the owner according to customary practices of ethnic groups, though he or she has no legal document;
- (d) **Department or organization proposing land acquisition** means the government department or organization that proposes to acquire land for public purpose under this Law;
- (e) **Notification declaring the necessity for land acquisition** means a transparent announcement to the public informing them of the land acquisition process and that there is an intention to acquire land, and that the public can raise any objection or claim any entitlement;
- (f) **Notification declaring the intent of land acquisition** means a transparent announcement to the public that land will be acquired with the approval of the Union Government after the completion of the preliminary investigation;
- (g) **Acquisition of land means** taking possession of the proposed land by the Land Acquisition Implementation Body in accordance with this Law to transfer it to the department or organization proposing land acquisition, as the state-owned land free from all encumbrances;

- (h) **Public purpose** means land acquisition to a minimum requirement for the purposes under section 2 of this Law for public interest;
- (i) **Court** means the relevant competent Region or State High Court and District Court;
- (j) **Harmful effect** of land acquisition includes:
- (i) loss of the acquired land or erected buildings and other immovable property on the land;
 - (ii) loss of land on which livelihood activities are conducted or loss of economic activity;
 - (iii) adverse impact on career and livelihood that relies on the legally owned land which has been acquired.
- (k) **Persons related** to land acquisition include:
- (i) sharecroppers;
 - (ii) tenants;
 - (iii) joint-venture partners, and partnership parties;
 - (iv) persons who are working on the acquired land for 12 years consecutively prior to the acquisition of land by keeping in possession of such land or persons who are genuinely working on such land as farm workers or as pieceworkers even though they do not legally own it.
- (l) **Affected persons** means landowners and persons related to the acquired land who are affected by land acquisition;
- (m) **Urgent land acquisition** means the prompt acquisition of land for public purpose due to unavoidable circumstances as a result of emergency situation;
- (n) **Temporary land acquisition** means the acquisition of land for temporary use for public purpose with a designated period of not more than five years;
- (o) **Cost of land acquisition** includes the following:
- (i) compensation and damages;
 - (ii) general costs including the costs for infrastructure development projects to carry out resettlement and rehabilitation activities in accordance with the negotiated agreement between the landowner and department or organization proposing land acquisition; and

- (iii) administration and management costs.
- (p) **Compensation** means money paid to the landowners for the land acquired and erected buildings or other immovable property or crops thereon;
- (q) **Damages** means money paid to the affected persons for the following:
 - (i) accommodation and meals for landowners before resettlement;
 - (ii) loss of income due to termination of livelihood activities and jobs;
 - (iii) loss and damage of buildings and crops in conducting land survey, erecting signs, and clearing land for acquisition.
- (r) **Relocation expense** includes the expenses incurred for movement of persons and removal of things from the acquired land and the support provided for settling at the relocation site;
- (s) Resettlement means an arrangement to provide residential buildings and infrastructure for the landowners who have been relocated in accordance with any rights claimed by the landowners under Chapter VII of this Law after negotiating and making an agreement with the department or organization proposing land acquisition;
- (t) Rehabilitation includes the arrangements to restore socio-economic life of the affected persons through the provision of job and livelihood opportunities, temporary living expenses and social support in accordance with any rights claimed by the landowners under Chapter VII of this Law after negotiating and making an agreement with the department or organization proposing land acquisition;
- (u) **Central Committee** means the Central Committee for land acquisition, resettlement and rehabilitation formed by the Union Government under this Law;
- (v) **Focal Ministry** means any Union Ministry delegated by the Union Government for the purposes of this Law;
- (w) **Department** means the Department delegated by the focal Ministry for the purposes of this Law;
- (x) **Land Acquisition Implementation Body** means the Region or State or Nay Pyi Taw Land Acquisition Implementation Body formed by the Central Committee under this Law to implement land acquisition process when notification declaring the necessity for land acquisition is issued;

- (y) **Resettlement and Rehabilitation Implementation Body** means the Region or State or Nay Pyi Taw implementation body formed by the Central Committee under this Law to implement resettlement and rehabilitation process for landowners;
- (z) **Field Inspection Sub-Teams** means sub-teams formed by Nay Pyi Taw Council or the relevant Region or State Government under this Law to conduct field inspection related to land acquisition.

Chapter II

Objectives

4. The objectives of this Law are as follows:

- (a) to implement land acquisition process in accordance with this Law based on the National Land Use Policy approved by the Union Government for public purpose;
- (b) to protect the interest of the persons whose land is legally acquired for public purpose;
- (c) to acquire land through a process involving affected persons and local people to be transparent in the issuance of prior notice, negotiation and decision-making;
- (d) to ensure fair compensation and damages for affected persons;
- (e) to resettle or rehabilitate landowners in accordance with any rights negotiated and agreed with the department or organization proposing land acquisition, for being affected by land acquisition; and
- (f) to reduce adverse environmental and socioeconomic impacts resulting from the use of the acquired land.

Chapter III

Formation of the Central Committee and its Functions

5. The Union Government:

- (a) shall form the Central Committee for Land Acquisition, Resettlement and Rehabilitation comprising a Vice-President as the chairperson, and Union Ministers from the relevant Ministries, officials and experts from government departments and

organizations as members, for the effective implementation of the provisions of this Law;

(b) shall appoint an appropriate member as the Secretary in forming the Central Committee under subsection (a), and may appoint the Vice-Chairperson and the Joint-Secretary if necessary;

(c) may re-form the Central Committee formed under subsection (a).

6. The functions of the Central Committee are as follows:

(a) developing the policies for land acquisition, resettlement and rehabilitation, issuing guidance in accordance with such policies and supervising the implementation process;

(b) evaluating the proposals for land acquisition submitted by any Union-level organization or Nay Pyi Taw Council or Region or State Government and issuing notification declaring the necessity for land acquisition;

(c) evaluating the submissions of the Nay Pyi Taw Council or the relevant Region or State Government whether land should be acquired and forwarding their findings to the Union Government together with recommendations;

(d) forming the Region or State or Nay Pyi Taw Land Acquisition Implementation Body comprising the officials from the relevant government departments and organizations, landowners, ethnic representatives and experts, and assigning duties to that Body to implement the process of land acquisition;

(e) forming the Region or State or Nay Pyi Taw Resettlement and Rehabilitation Implementation Body comprising the officials from the relevant government departments and organizations, landowners, ethnic representatives and experts, and assigning duty to that Body to implement the process of resettlement and rehabilitation related to land acquisition;

(f) coordinating among the relevant Ministries, government departments and organizations, Resettlement and Rehabilitation Implementation Bodies, and the Land Acquisition Implementation Body to implement the provisions of this Law effectively;

(g) providing necessary instructions for urgent land acquisition and temporary land acquisition for public purpose;

- (h) guiding and supervising the respective bodies to be transparent in and, accountable and responsible for land acquisition, resettlement and rehabilitation without corruption and abuse of power.

Chapter IV

Proposal for Land Acquisition, Evaluation and Preliminary Investigation

7. The following government departments and organizations may propose land acquisition under this Law:
 - (a) Union-level Ministries and organizations, government departments and organizations;
 - (b) Nay Pyi Taw Council or Region or State Governments.
8. Any department or organization in section 7 that needs to use land for any of the following projects for public purpose shall submit a proposal for land acquisition to the Central Committee in accordance with the stipulations:
 - (a) a project to be implemented by the department or organization proposing land acquisition;
 - (b) a project to be jointly invested and implemented;
 - (c) a project to be implemented by domestic and foreign donations for the State and the public in accordance with the existing laws.
9. When making a proposal for land acquisition for public purpose, the following documents shall be submitted:
 - (a) a proposal signed either by the project proponent or the person authorized to propose the proposal;
 - (b) a land map and land history or in the case where land survey has not been conducted, a draft map, location, and estimated area of the proposed land;
 - (c) a statement of the reasons for requiring the land for public purpose and the proposed land use plan;
 - (d) a statement whether any religious buildings, public cemeteries or tombs exist on the proposed land, if such structures exist, a statement of opinion on exclusion of such structures, and if desired to acquire the land without excluding such structures, an

agreement with the persons concerned and an undertaking to take responsibility for expenses including the expense for relocation of such structures;

- (e) an environmental impact assessment and socioeconomic impact assessment prepared in accordance with the Environmental Conservation Law and its rules and Environmental Impact Assessment Procedures, for the project to be implemented on the proposed land;
 - (f) a resettlement and rehabilitation plan and proposal for landowners of the proposed land;
 - (g) an undertaking of the project proponent to take responsibility for all financial matters that will arise in the whole process of land acquisition;
 - (h) a statement of sufficient grounds for urgent land acquisition or temporary land acquisition, if such acquisition is necessary;
 - (i) an administrative approval of the department or organization proposing land acquisition.
10. The Central Committee shall evaluate the proposal stating that a particular land is needed, and send a notice together with the proposal to Nay Pyi Taw Council or the relevant Region or State Government to conduct field inspection and to provide recommendations on whether the land should be acquired. A copy of such notice shall be sent to the focal Ministry.
11. When the notice of the Central Committee under section 10 is received, Nay Pyi Taw Council or the relevant Region or State Government shall evaluate the proposal stating that the land is needed, and if all necessary documents under section 9 are included, shall develop plans and carry out the following activities in accordance with the stipulations:
- (a) conducting field inspection on the proposed land, explaining the public to ensure that the local people clearly understand the proposal for land acquisition and seeking their opinions, and inviting the relevant Hluttaw representatives to such events;
 - (b) cross-checking the reality on the ground with the submissions of the department or organization proposing land acquisition with respect to the prospects of

socioeconomic impacts on the affected persons and environmental impacts on land intended for acquisition;

- (c) coordinating the resettlement and rehabilitation schemes of the department or organization proposing land acquisition, based on the opinions of experts and demands of the affected persons;
- (d) evaluating whether the proposed land acquisition serves the interests of the State and the public;
- (e) evaluating whether the resettlement and rehabilitation plan attached to the proposal is comprehensive;
- (f) seeking opinion of departmental and external experts;
- (g) evaluating the findings, and reporting them to the Central Committee with its recommendations.

12. Nay Pyi Taw Council or the relevant Region or State Government shall form one or more Field Inspection Sub-Teams with appropriate persons and experts from the relevant government departments and organizations and assign them to carry out the activities in section 11 and other necessary investigations with respect to the proposal for land acquisition.

13. A Field Inspection Sub-Team:

- (a) may enter upon the proposed land after noticing the affected persons 7 days in advance and carry out necessary activities to ensure whether such land is appropriate to be used;
- (b) shall conduct a land survey, and collect statistical data on the affected persons and the harmful effects.
- (c) shall report the findings of field inspection and its performance to the Nay Pyi Taw Council or the relevant Region or State Government.

14. Nay Pyi Taw Council or the relevant Region or State Government shall:

- (a) submit the findings of field inspection with respect to the proposal for land acquisition and its recommendations on whether the proposed land should be acquired for public purpose to the Central Committee together with the opinion of the relevant Hluttaw representatives;

- (b) submit the draft of notification declaring the intent of land acquisition to the Central Committee if it recommends to acquire the proposed land for public purpose.
15. If the land and building proposed to be acquired under section 14 are applicable to any of the following, the Central Committee shall acquire such land only after obtaining the approval of the Pyidaungsu Hluttaw through the Union Government:
- (a) land where antique objects and ancient monuments that are being protected and preserved under the existing law are existed;
 - (b) places where historical or cultural heritage is existed;
 - (c) prominent areas, buildings, precincts, and commemorative places that have a deep historical background and are valued and preserved by the public;
 - (d) land used by ethnic groups for traditional purposes and sites being protected as sacred places.

Chapter V

Issuing Notification Declaring the Necessity for Land Acquisition and Filing Objections

16. The Central Committee shall:
- (a) issue a notification declaring the necessity for land acquisition, if it finds that the proposed land is required for public purpose according to findings of field inspection with respect to the proposal for land acquisition;
 - (b) state the following in the notification to be issued under subsection (a):
 - (i) Region, State or Union Territory, district, township, ward or village-tract number of block or plot where the land is located and facts relating to land such as name, estimated area and type of land;
 - (ii) reasons for acquiring land and which government department or organization will use it for public purpose;
 - (c) also attach the following to the notification issued under subsection (a):
 - (i) an order assigning duties to the Land Acquisition Implementation Body and the Resettlement and Rehabilitation Implementation Body;

- (ii) a summary of the findings of the environmental impact assessment and socioeconomic impact assessment attached to the proposal, and the process to be carried out; and
- (iii) a summary of the resettlement and rehabilitation schemes.

17. The notification declaring the necessity for land acquisition shall:

- (a) be published in the Myanmar gazette, in daily newspapers and local periodicals at least twice during the specified period, and also posted on the noticeboards at the following offices, departments and places for public awareness, and be issued in regional language if necessary:
 - (i) Nay Pyi Taw Council or the relevant Region or State Government Office;
 - (ii) Office of the District Administrator, Office of the Township Administrator, Office of the Ward or Village-Tract Administrator in the area where the land is located;
 - (iii) Township Court, City Development Committee's Office, markets owned by the development Committees, and township information and public relations office in the area where the land is located; and
 - (iv) conspicuous places in the area where the land is located.
- (b) be broadcast on television and radio, and on the website of the relevant department, if necessary;
- (c) be sent to the effected persons together with a notice in accordance with the Code of Civil Procedure.

18. (a) If any affected person is dissatisfied with the notification declaring the necessity for land acquisition, he or she may file an objection with reasons and sound evidence to Nay Pyi Taw Council or the relevant Region or State Government within 45 days from the date of issue of the notification.

- (b) When the objection filed under subsection (a) is received, Nay Pyi Taw Council or the relevant Region or State Government shall direct the Land Acquisition Implementation Body to investigate on such objection and to submit its findings together with its recommendations.

19. The Land Acquisition Implementation Body:

- (a) shall review the objection filed under section 18 and allow the objector to explain in person or by his representative or lawyer;
- (b) shall, if it finds that it is unnecessary to acquire the land after the explanation of the objector under subsection (a), report it to the Central Committee together with the recommendations of Nay Pyi Taw Council or the relevant Region or State Government, to announce the revocation of the notification in the manner mentioned in section 17 for public awareness;
- (c) shall, if it finds that it is necessary to acquire the land for public purpose, report it to the Central Committee together with its recommendations to proceed the land acquisition process, and send a copy of such report to the objector.

20. The Central Committee:

- (a) shall, if it concurs with the recommendations submitted under subsection (b) of section 19, issue a notice stating that the notification declaring the necessity for land acquisition and the notice issued under sections 16 and 17 are revoked;
- (b) shall, if it concurs with the recommendations submitted under subsection (c) of section 19, notify the Land Acquisition Implementation Body, the Resettlement and Rehabilitation Implementation Body, and Nay Pyi Taw Council or the relevant Region or State Government to proceed the investigation for acquiring the proposed land.

21. The Land Acquisition Implementation Body shall notify the affected persons of the field inspection of the land intended for acquisition and the plan for seeking the public opinion on the purpose and effects of land acquisition, at least 7 days in advance, and carry out the following activities or by assigning a Field Inspection Sub-Team:

- (a) cross-checking the reality on the ground with the submissions of the department or organization proposing land acquisition with respect to the prospects of socioeconomic impacts on the affected persons and environmental impacts on land intended for acquisition;
- (b) coordinating the resettlement and rehabilitation schemes of the department or organization proposing land acquisition, based on the opinion of experts and demands of the landowners and making agreement;

- (c) inviting the objections from the public including the affected persons with respect to the purpose and effects of land acquisition, accepting written objections, hearing, requiring the supporting documents, and, conducting field inspection if necessary;
 - (d) conducting a land survey with the representatives from the department or organization proposing land acquisition, landowners and their representatives;
 - (e) collecting statistical data on the affected persons and the harmful effects;
 - (f) preventing any damage to the crops and facilities in carrying out the activities under subsections (c), (d) and (e) and if there is any damage, damages shall be paid at market price to the affected persons;
 - (g) recording harmful effects on the affected persons caused by the land survey, and calculating the damages based on the local market price.
22. (a) If any affected person is dissatisfied with the actions undertaken by and damages paid by the Land Acquisition Implementation Body or Field Inspection Sub-Team under section 21, he or she may file a complaint to Nay Pyi Taw Council or the relevant Region or State Government within 30 days from the date of payment of damages.
- (b) Nay Pyi Taw Council or the relevant Region or State Government shall review the complaint filed under subsection (a), and may issue an appropriate order, and the order shall be final.
23. The Resettlement and Rehabilitation Implementation Body shall, at least 7 days in advance, notify the landowners to evaluate whether the resettlement and rehabilitation schemes prepared by the department or organization proposing land acquisition cover the extent of harmful effect and carry out the following activities or by assigning a Field Inspection Sub-Team:
- (a) Duties of field inspection:
 - (i) inspecting whether the relocation site is appropriate for settlement, and if so, possible situation for implementation;
 - (ii) inspecting possible situation for reconstruction of religious buildings and public buildings such as schools, clinics, markets and offices;
 - (iii) creating job opportunities;
 - (iv) inspecting temporary grant programmes and sufficiency of such grants;

- (v) inspecting grant programmes that should be provided by the relevant government departments and organizations for the livelihood of the extended family;
 - (vi) inspecting programmes for proper provision of supporting facilities such as education and health care;
- (b) conducting field inspection under subsection (a) in collaboration with the representatives from the department or organization proposing land acquisition, affected persons and their representatives, departmental experts, and other necessary persons and organizations;
 - (c) requiring necessary supporting documents, copying and cross-checking such documents and interviewing the persons considered to be relevant in carrying out the activities under subsections (a) and (b).
24. The Field Inspection Sub-Team shall:
- (a) have the right to request the opinion of the government department and organization and experts that are concerned with field inspection. In addition, it may also request their support;
 - (b) prepare and submit a report on field inspection, its findings, conclusion and recommendations to the Land Acquisition Implementation Body with respect to land acquisition, and to the Resettlement and Rehabilitation Implementation Body with respect to resettlement and rehabilitation.
25. The Land Acquisition Implementation Body and the Resettlement and Rehabilitation Implementation Body shall combine findings and reports of Field Inspection Sub-Teams, and submit a report which includes their conclusion and recommendations to Nay Pyi Taw Council or the relevant Region or State Government.
26. Nay Pyi Taw Council or the relevant Region or State Government:
- (a) shall submit its findings and recommendations to the Central Committee as to whether the land should be acquired for public purpose based on the reports of the Land Acquisition Implementation Body and the Resettlement and Rehabilitation Implementation Body. If it recommends to acquire land, the draft of notification declaring the intent of land acquisition shall also be prepared and submitted;

(b) shall, although the notification declaring the necessity for land acquisition has been issued, revoke such notification, and revise or terminate the land acquisition process if the relevant department or organization proposing land acquisition renounced the proposal or in the event of involving land that should not be acquired according to the findings of the Land Acquisition Implementation Body.

27. The Central Committee shall:

- (a) submit its findings and recommendations to the Union Government whether the proposed land should be acquired for public purpose after evaluating the proposal submitted by the department or organization proposing land acquisition and findings, and the recommendations submitted by Nay Pyi Taw Council or the relevant Region or State Government under subsection (a) of section 26;
- (b) submit the draft of the notification declaring the intent of land acquisition together with the supporting documents of the proposal for land acquisition, if land acquisition for public purpose is recommended under subsection (a).

28. The Union Government:

- (a) shall make a decision whether the proposed land shall be acquired for public purpose after evaluating the recommendations and supporting documents submitted under section 27, and the decision shall be final;
- (b) shall, if it decides to acquire the proposed land under subsection (a) for public purpose, notify the Central Committee in order that the focal Ministry can issue the notification declaring the intent of land acquisition in accordance with sections 16 and 17. A copy of such notice shall be sent to the focal Ministry and Nay Pyi Taw Council or the relevant Region or State Government.

29. The Central Committee shall direct the focal Ministry and Nay Pyi Taw Council or the relevant Region or State Government and Land Acquisition Implementation Body to proceed further process after receiving the notice from the Union Government under section 28.

30. Upon receiving the notice under section 29, the Land Acquisition Implementation Body shall, before issuing the notification declaring the intent of land acquisition, calculate the estimated costs for office work, field inspection, compensation and damages to be paid,

and administration and management costs, and direct the department or organization proposing land acquisition to pay such expenses to the Department. The land acquisition process shall be commenced only after the Department has received and maintained such expenses.

Chapter VI

Intent of Land Acquisition and Taking Possession of Land

31. When the Central Committee notifies the focal Ministry, under section 29, the focal Ministry shall issue a notification declaring the intent of land acquisition for public purpose and notify the public in the manners mentioned in sections 16 and 17.
32. The Land Acquisition Implementation Body shall carry out the following as necessary after the focal Ministry has issued the notification and notified the public in accordance with section 31:
 - (a) publicizing the notification declaring the intent of land acquisition in the area where the land is located and, publicizing it in the regional language if necessary, and;
 - (b) conducting land survey, calculation and payment of compensation and damages in accordance with the provisions in Chapter VIII of this Law.
33. The Field Inspection Sub-Team shall notify the affected persons of the land to be acquired at least 7 days in advance; and
 - (a) shall record the following in the presence of the affected persons or their legal representatives when conducting land survey:
 - (i) statistical data on the affected persons and their extended family, their livelihood situation and livestock and machinery owned by the extended family;
 - (ii) location, area, type and class of land and the local market price of land on the date when the notification declaring the intent of land acquisition is issued;
 - (iii) the age of the building on land, the condition and design of the building, and its local current price;
 - (iv) three times the value of perennial plants grown on land that is calculated at the local current price based on the current value of such plants;

- (v) three times the value of seasonal crops that is calculated at the local current price based on the average crop yield per acre; and
 - (vi) the loss of livelihoods and job opportunities due to land acquisition;
- (b) shall, if necessary, erect boundary-marks visibly at the expense of the department or organization proposing land acquisition when conducting land survey;
- (c) shall notify every affected person of the land survey;
- (d) shall publicize the recorded data after accomplishing the land survey;
- (e) (i) shall post a notice of the approved harmful effect for which compensation and damages can be claimed, the amount to be paid, the last day for claim, and the person and place to which the application for claiming shall be submitted, on the noticeboards at the relevant offices, departments and conspicuous places as mentioned in subsection (a) of section 17;
- (ii) shall send notices to the affected persons eligible for receiving compensation and damages, in accordance with the Code of Civil Procedure; and
- (iii) may attach notices written in the regional language if necessary.
34. (a) The Land Acquisition Implementation Body shall:
- (i) take possession of land without any disturbance after paying compensation and damages and undertaking the activities in sections 32 and 33;
 - (ii) transfer the land with its case file to the department or organization proposing land acquisition.
- (b) ensure that as soon as the proposed land has been taken possession, the land becomes the state-owned land free from all encumbrances.

Chapter VII

Landowners' Rights with respect to Land Acquisition

35. If there is no building properly constructed on the acquired land or if there is no business building, the Land Acquisition Implementation Body shall, without granting any right under subsection (b) of section 36, pay compensation and damages for land acquisition to the landowner and damages to the person related to the acquired land in accordance with the provisions of Chapter VIII.

36. If there is a building properly constructed on the acquired land or if there is a business building, the Land Acquisition Implementation Body may grant any of the following rights claimed by the landowner, including relocation expenses after negotiating and making an agreement with the department or organization proposing land acquisition, but not exceed the current price of such acquired land and building:
- (a) right to enjoy compensation and damages for the acquired land and building on a lump sum basis or in installments; or
 - (b) right to enjoy the following rights jointly or separately with a part of the right in subsection (a):
 - (i) right to obtain land, or land and building for resettlement;
 - (ii) right to enjoy any rehabilitation programme; and
 - (iii) right to invest in the project to be carried out on the acquired land or right to obtain a suitable portion of such land for any activity.
37. The landowner:
- (a) shall have the right to receive relocation expenses granted under this Law for land and building acquisition;
 - (b) shall, in addition to the right granted under subsection (a), have the right to enjoy any rights granted under section 36, but not exceed the current price of the acquired land and building, after negotiating and making agreement with the department or organization proposing land acquisition.
38. The Land Acquisition Implementation Body may, with the consent of the landowner and with the approval of the Union Government, grant other land or rights equivalent to the compensation to be paid for the land to be acquired, instead of payment of compensation.

Chapter VIII

Payment of Compensation and Damages

39. The Land Acquisition Implementation Body shall follow the procedures below when paying compensation and damages to the landowner for land acquisition, or when paying damages to other persons related to the acquired land:

- (a) payment of compensation and damages to the landowner for land acquisition, and payment of damages to the persons related to the acquired land, if there is no building properly constructed on the acquired land or if there is no business building;
 - (b) payment at the local current price of the acquired land and building to the landowner as compensation, if there is a building properly constructed on the acquired land or if there is a business building;
 - (c) payment at the local current price of the land to the landowner, if there are no perennial plants, seasonal crops or livelihood activities on the acquired land;
 - (d) payment of the following compensation and damages, if there are perennial plants, seasonal crops or livelihoods on the acquired land:
 - (i) three times the value of perennial plants grown on the land that is calculated at the local current price based on the current value of such plants;
 - (ii) three times the value of seasonal crops that is calculated at the local current price based on the average crop yield per acre;
 - (iii) the estimated loss of income due to termination of livelihood activities and jobs; and
 - (iv) the value of loss of livestock such as buffaloes and cows, and machinery.
 - (e) payment of compensation and damages to the affected persons or their representatives after checking;
 - (f) recording separately those who agree and withdraw compensation and damages and those who do not withdraw compensation and damages as they do not agree on such payment.
40. The Land Acquisition Implementation Body shall:
- (a) calculate the relocation expenses in accordance with the rules and notifications issued under this Law and the amount of compensation and damages under section 39, and submit them to and obtain approval from the Central Committee through Nay Pyi Taw Council or the relevant Region or State Government;
 - (b) pay the compensation and damages including the relocation expenses to the landowner, and damages to the persons related to the acquired land, which are approved by the Central Committee.

41. Any affected person may apply to the Land Acquisition Implementation Body to submit the referral form to the relevant court by providing reasons if he or she is dissatisfied with any of the following:

- (a) the area demarcated for compensation and damages;
- (b) the amount of compensation and damages;
- (c) which affected persons shall be compensated or who shall or shall not be entitled to compensation;
- (d) who shall be subject to the compensation or how it should be apportioned.

42. The Land Acquisition Implementation Body shall:

- (a) submit the referral form with the application letter of any affected person under section 41 and provide the following information to the relevant court within 60 days from the date of receipt of application:
 - (i) the amount of compensation based on the local current price of the acquired land, or land and building;
 - (ii) three times the value of perennial plants grown on the land that is calculated at the local current price based on the current value of such plants;
 - (iii) three times the value of seasonal crops that is calculated at the local market price based on the average crop yield per acre;
 - (iv) the estimated costs for accommodation and meals for the landowner before he or she is resettled.
- (b) attach the following information to the referral form in submitting it to the court under subsection (a):
 - (i) names of affected persons, their residential addresses and addresses for service;
 - (ii) compensation and damages that have not been paid;
 - (iii) a copy of the report of the Field Inspection Sub-Team under section 33 with respect to the land to be acquired.
- (c) compensation and damages which are not accepted by any affected person shall be lodged with the court.

43. The relevant court:

- (a) shall, with respect to the referral form submitted under section 42, open a case and begin investigation within 30 days from the date of receipt of such form in accordance with the Code of Civil Procedure;
- (b) may, if the application is concerned with the area for which compensation and damages are determined under subsection (a) of section 41, summon and inquire a member or a representative of the Land Acquisition Implementation Body;
- (c) shall, if the application is concerned with subsections (b), (c) and (d) of section 41, summon and inquire the affected persons and necessary witnesses only, without summoning and inquiring a member or a representative of the Land Acquisition Implementation Body. In this regard, their representatives or lawyers may be allowed to act on their behalf;
- (d) may, regarding the matters in subsections (b) and (c), pass a judgment, order or decree;
- (e) may direct to pay the money lodged with the court under subsection (c) of section 42 as the affected person has not accepted the payment, and the interest accrued to that money saved at the state-owned bank to the affected person.

44. The Land Acquisition Implementation Body:

- (a) shall, if the referral form is submitted to the relevant court upon the application of any affected person, suspend the payment of compensation and damages before the case is finalized;
- (b) shall proceed with the payment of compensation and damages if the referral form is not submitted to the relevant court, or if the case has been finalized by the court.

45. Notwithstanding anything contained in the provisions of this Chapter regarding the payment of compensation and damages, payment of compensation, damages and other arrangements for acquisition of farmland or vacant, virgin and fallow land shall be made in accordance with the relevant law to avoid any adverse impacts on the person who has the right to cultivate and use those land.

Chapter IX

Resettlement and Rehabilitation

46. The Resettlement and Rehabilitation Implementation Body shall grant any rights under subsection (b) of section 36 claimed by the landowner based on the negotiated agreement with the department or organization proposing land acquisition, and implement the following resettlement and rehabilitation process in accordance with the provisions of this Chapter:
- (a) the resettlement process for the landowner as soon as the processes of taking possession of land and transferring land have commenced;
 - (b) the resettlement process that includes housing development, infrastructures and assistance necessary for the socio-economic development of extended families, infrastructures and other needs for the development of wards and villages;
 - (c) the rehabilitation process that includes arrangements for livelihood activities and job opportunities based on the acquired land.
47. If the resettlement process under section 46 is not implemented until the possession of land has been transferred, the department or organization proposing land acquisition shall provide temporary living cost from the relocation expenses under the negotiated agreement with the landowner.
48. In implementing the process under section 46 based on the negotiated agreement under subsection (b) of section 37, Resettlement and Rehabilitation Implementation Body shall, if necessary:
- (a) take necessary measures to ensure that the resettlement does not have an impact on the livelihood activities and social lives of landowners and local residents, and environment;
 - (b) implement the process as negotiated and agreed, when the landowner claims the right to enjoy any rehabilitation programme or to invest in the project out of the rights granted under subsection (b) of section 36 after negotiating and making an agreement with the department or organization proposing land acquisition.
49. In order to implement the resettlement and rehabilitation process which has not been negotiated and agreed in advance by the Land Acquisition Implementation Body, the Central Committee shall have the right to allocate the tasks that are to be carried out by

the relevant Ministry and by the department or organization proposing land acquisition on a case by case basis.

50. The Resettlement and Rehabilitation Implementation Body shall arrange cautiously to ensure that resettlement and rehabilitation process shall not be harmful to the vulnerable groups including women, children, ethnic minorities and traditional owners.

Chapter X

Urgent Land Acquisition

51. (a) The Central Committee may, with the approval of the Union Government, direct to proceed urgent land acquisition proposed under sections 8 and 9, for the following activities:
- (i) to allocate land for national defence and security in an emergency situation;
 - (ii) to use land for social affairs, economic affairs and convenience of transportation and communication according to a sudden change in situation due to an unforeseen event;
 - (iii) to relocate the public in the event of natural disasters or potential natural disasters;
 - (iv) to allocate land urgently under the decision of the Union Government and with the approval of Pyidaungsu Hluttaw.
- (b) In order to proceed urgent land acquisition, the Central Committee shall promptly issue a notification declaring the necessity for land acquisition and the notice in the manner prescribed in sections 16 and 17 and the notification for urgent land acquisition shall be issued in accordance with section 31. Then the Central Committee shall direct the focal Ministry, Nay Pyi Taw Council or the relevant Region or State government, and the Land Acquisition Implementation Body to proceed with the process.
- (c) The Land Acquisition Implementation Body may, regarding the urgent land acquisition under subsection (a), assign a Field Inspection Sub-Team to take possession of land urgently after the focal Ministry has issued the notification declaring the intent of land acquisition, even if the payment of compensation and damages have not been made.

52. The following land shall be prioritized and acquired in urgent land acquisition:

- (a) land reserved by the Union Government for emergency situation;
- (b) land of which acquisition would cause the least harmful effect to the public;
- (c) land that is not being used although someone has the right to possess and right to use it.

53. In respect of urgent land acquisition:

- (a) anyone who has been assigned under this Law shall not enter the land, carry out field inspection and take possession of land, without notifying the affected persons in advance;
- (b) when an affected person claims compensation and damages but cannot be paid in a timely manner, such compensation and damages including relocation expenses shall be calculated and paid after acquisition as in the case of normal acquisition;
- (c) additional 10 percent of the local current price of the land shall be paid to the landowner, and additional 10 percent of amount of the damages shall be paid to the persons related to the acquired land in the payment of compensation and damages as there could be more harmful effect due to normal land acquisition process is carried out urgently;
- (d) if there is a building on land, the local current price of the said building shall be paid to the landowner. If there are seasonal and perennial crops on land, additional 3 times the current price of the annual benefits from those crops shall be paid to the landowner;
- (e) when the landowner negotiates and claims the resettlement and rehabilitation programme under subsection (b) of section 36, the provisions under Chapter VIII of this Law shall be applied as appropriate.

Chapter XI

Temporary Land Acquisition

54. The Central Committee may, with the approval of the Union Government, carry out temporary land acquisition by issuing the notification declaring the necessity for land

acquisition and the notice in the manner prescribed in sections 16 and 17, for a period of not more than 5 years for the following activities:

- (a) to use land temporarily for national security, defence and military operation;
- (b) to use land for any project of the State only for the project period;
- (c) to use land only for the project period when the Union Government permits any local and foreign private company to implement any project in any manner;
- (d) to use land temporarily by the Union Government.

55. The following land shall be prioritized and acquired in temporary acquisition:

- (a) land that is not being used although someone has the right to possess and right to use it;
- (b) land of which acquisition would cause the least harmful effect to the public.

56. After issuing the notification declaring the necessity for land acquisition and the notice under section 54, the Land Acquisition Implementation Body shall send a notice to the affected persons that which land is temporarily acquired for which period and for which purpose together with the notification. In addition, the amount of damages and prescribed fees for the temporary acquisition period shall be negotiated and agreed with the affected persons.

57. The application of the affected person to submit the referral form to the relevant court that he or she is dissatisfied with the compensation determined by the Land Acquisition Implementation Body for temporary land acquisition, submission of the referral form to the relevant court by the Land Acquisition Implementation Body, and investigation and passing any order or judgement by the court on such referral form shall be made in accordance with sections 41, 42, 43 and 44.

58. If there is any damage to land due to use of it when returning the land after the expiry of the temporary land acquisition period, the compensation shall be paid in accordance with the negotiated agreement with the affected persons.

Chapter XII

State's Reclamation of the Land Already Acquired and Transferred

59. Although the department or organization proposing land acquisition has acquired any land for any purpose, the State may reclaim the land or any part of land in any of the following situations:
- (a) if ancient cultural heritage which has immense historical value for the State is found on the acquired land;
 - (b) if valuable resources and rich mineral deposits are found on the land that is acquired for any purpose other than for extraction of minerals and gemstones;
 - (c) if the department or organization fails to comply with the measures for reduction of and it causes socio-economic and environmental impacts in the initial commitment harms to the health of the local community, deterioration of socio-economic conditions and destruction of environment and ecosystems;
 - (d) if the department or organization does not implement the project within the prescribed period as intended;
 - (e) if land will not be used or no longer necessary to be used as intended;
 - (f) if it is found that more land is being acquired than is necessary;
 - (g) if the department or organization fails to implement resettlement and rehabilitation process in line with the agreed standards; and
 - (h) if the Union Government revokes the notification declaring the intent of land acquisition for any reason.
60. If the State reclaims land under subsections (c) to (g) of section 59, the department or organization proposing land acquisition shall not have the right to claim the reimbursement of any expenses for land acquisition.
61. (a) The department or organization proposing land acquisition which intended to carry out any activity for public purpose shall return the acquired land to the State systematically if the land is no longer to be used, no longer necessary to be used or has no purpose to be used.
- (b) If the department or organization proposing land acquisition which intended to carry out any activity for public purpose does not use the acquired land within the prescribed period as intended or transfers the land to another department or organization or person without the approval of the Central Committee, it shall be

considered that the land acquisition has become void and such land has been returned to the possession of the State.

(c) The department or organization proposing land acquisition which intended to carry out any activity for public purpose shall not have the right to claim the reimbursement of any expenses of land acquisition and the funds invested in land with respect to land returned under subsection (a) or land returned to the possession of the State under subsection (b).

62. The Union Government may use land that returns to the possession of the State under section 60 in any project necessary for the State for public purpose.

Chapter XIII

Offences and Penalties

63. Whoever is convicted of any of the following act, he or she shall be punished with imprisonment for a term not exceeding one year or with a fine not exceeding 100,000 kyats or with both:

(a) obstructing, hindering or deterring the Team or person performing the functions assigned under this Law;

(b) acting fraudulently to disrupt any land acquisition process carried out under this Law for public purpose.

64. Whoever appointed to perform the functions under this Law is convicted of fraudulently performing the activities contrary to the provisions of this Law, he or she shall be punished with imprisonment for a term from a minimum of six months to a maximum of two years and shall also be liable to a fine not exceeding 200,000 kyats.

65. Whoever is convicted of submitting false evidence and supporting documents knowingly to the Team or person performing the functions under this Law, he or she shall be punished with imprisonment for a term not exceeding seven years and shall also be liable to a fine not exceeding one million kyats.

Chapter XIV

Miscellaneous

66. The rules and orders issued under the Land Acquisition Act (India Act I, 1894) repealed by this Law may, continue to be applicable in so far as they are not inconsistent with the provisions of this Law, and the rules, regulations, by-laws, notifications, orders, directives and procedures issued under this Law.
67. If there is harmful effect caused by land acquisition under any other existing law other than this law, the payment of compensation and damages for the affected persons, and resettlement and rehabilitation of landowners shall be made under this Law as may be appropriate, other than the payment of compensation and damages under section 45.
68. In respect of land acquisition under this Law:
- (a) the compensation and damages paid to the affected persons shall be exempted from income tax;
 - (b) the agreement between the department or organization proposing land acquisition and the landowner, the application requesting for submission of referral form under section 41, and the referral form submitted to the court under section 42 shall be exempted from the court's fees and stamp duty. In addition, no fees shall be charged for applying to make a copy of such agreement, application form, referral form, or any judgement or order of the court.
69. Offences in sections 63 and 64 are considered as cognizable offences.
70. In implementing the provisions of this Law:
- (a) the focal Ministry may issue the rules, regulations and by-laws with the approval of the Union Government;
 - (b) the Central Committee, focal Ministry and the Department may issue notifications, orders, directives and procedures.
71. The Land Acquisition Act, (India Act I, 1894) shall cease to have effect commencing from the date on which this Law comes into force.

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

(Sd) Win Myint

President

Republic of the Union of Myanmar