

The Republic of the Union of Myanmar
President Office

Notification No 62/2012
14 Waxing Wagaung 1374 ME
(31, August, 2012)

Designating the Date of Coming into Force of Farm Land Law

The Farm Land Law has come into force on 31 August, 2012, 14 waxing wagaung 1374 ME as per section-2 of Farm Land Law.

Sd-Thein Sein
President
Republic of the Union of Myanmar

The Republic of the Union of Myanmar
The Ministry of Agriculture and Irrigation

Notification No 62/2012
14 waxing wagaung 1374 ME
(31, August, 2012)

The Ministry of Agriculture and Irrigation promulgated the following rules by using the power vested by the section-42, sub-section (a) of farm land law with the approval of Pyidaungsu Government.

Chapter(1)

Title And Definitions

1. These rules shall be called farm land rules.
2. The words and expressions contained in these rules shall mean as contained in Farm Land Law. And the following words shall mean as described -
 - (a) Farm land work permit means the permit certificate issued as per the Farm Land Law to give the right to work on Farm land.
 - (b) Land revenue means the land tax levied in connection with Farm land under existing laws.
 - (c) Registration fees means the fees for registration of the right of work on Farm land designated by issuing notification of the department with the approval of ministry.
 - (d) Stamp duty means the stamp duty for the deed of sedling, mortgaging, lending, exchanging and giving of the right of work on farm land designated by the department with the approval of ministry.

- (e) Document registration fees means the fees paid when registering the deed of selling, mortgaging, lending, exchanging and giving the right of work on farm and as designated by the department with the approval of ministry.
- (f) Giving, means transfer of right of work on farm land without cost from someone who get the right of work on farm land to any other person. It includes donation and release.
- (g) Citizen means citizen, associate citizen and naturalized citizens.
- (h) Foreigner means someone who is not a citizen.
- (i) organization means government department, government organization, non-government organization, company or society.
- (j) Central farm land management committee means central farm land management committee formed by Pyidaungsu Government under farm land law.
- (k) Region/State farm land management committee means reigon/state farm land management committee formed by central farm land management committee under farm land law.
- (l) District farm land management committee means district farm land management committee formed by central farm land management committee under farm land law.
- (m) Township farm land management committee means township farm land management committee formed by central farm land management committee under farm land law.
- (n) Ward/village tract farm land management committee means ward/village tract farm land management committee formed by central farm land management committee under farm land law.
- (o) Ward/village tract means a location demarcated or designated as ward/ in a concerned town boundary or as village tract of village or villages combined outside the town boundary under the ward / village tract administration law.
- (p) Form means form prescribed in these rules.

Chapter (2)

Farm Land Right to work For the Farm Land

Currently Acquired to work

3. A citizen of 18 years of age applicable with one of the following shall apply through ward/village tract farm land management committee, by getting free the application format for the right of work on farm land at the concerned ward/village tract administration office, and filled up completely -

- (a) A family or family member of the farmer who has got the right to work on farm land.
 - (b) Head or family member or guardian who has got the right to work on farm land.
 - (c) Being common beneficial farmer family if it is the right of work jointly owned by family member on the farm land acquired one of the family members of a farmer as a consolidated and undivided property.
 - (d) Being in legal possession of inheritance as per existing law before the farm land law coming into force.
 - (e) Being a legal beneficiary as per law or rules after the farm land law come into force.
 - (f) Being someone recommended by ward/village tract administrator and the two witnesses of the adjacent farm land, to be working actually on the applied farm land.
 - (g) Being someone approved by the record of the department to be someone who has got the right to work on farm land.
 - (h) Being someone who can submit the evidence to get the right to work on farm land.
4. An organization having the right to work on Farming shall apply to the township department office through ward/village tract farm land management committee by getting form(1) of right to work on farm land of possession at the ward/village tract administration office and filled up completely.
5. Ward/village tract farm land management committee shall send the application of rules (3) or (4) with the recommendation to the township department office within (30) days of receiving the application.
6. Township department office -
- (a) Shall open the dossier of farm land right to work, and issue notice (form-2) for the objection with firm evidence, on the application within 15 days of receiving the application.
 - (b) The notice for objection (form-2) shall be posted at the township department office and ward/village tract administration office where the farm land situated.
 - (c) When notifying under sub-rule (a) it shall be mentioned to object within (30) days.
7. Township department office, when receiving the application, shall do the following within objection period -

- (a) To fill up the form (3) of application list in connection with fact of the application.
- (b) To fill up the assessment (Form-4) in connection with right to work on land with the following fact after assessment (1) whether the applicant is (18)years of age or not - (2) Whether a citizen or not. (3) Whether compliant with section-6c of farm land law or (4) If the applicant is in legal possession of inheritance before the existence of farm land law, whether it contains the recommendation of ward/village tract farm land management committee or not. (5) Whether the settlement no, lot no, area and land class mentioned in the application is complied with the record and map of township department office or not-
- (c) If the Facts of sub-rule (b)(5) is found to be not compliant, field measurement and approval shall be made with the farmer of adjacent land and ward/village tract administrator, of the actual land position.

8. The township department office, in connection with the application of right to work on land made by more than one person for a piece of land submitted by the ward/village tract farm land management committee, it shall be conducted as follow after performing per rule-6-

- (a) To fill up the registration of application to work on farm land with the facts of application.
- (b) The following to be scrutinized other than fact of rule -7
 - (i) Whether the evidence of right to work on the applied farm land is firm or not.
 - (ii) Whether work or not on the applied farm land, if any break period although worked, if any farm evidence for the break period or not.
 - (iii) Whether it is in the list of area worked by each farmer in the ward/village tract kept by the concerned ward/village tract.
 - (iv) Whether it is applied by cheating without being someone who has got the right to work.
- (c) If it is applied by cheating without being someone who has got the right to work action shall be taken as per existing law.

9. If any objection to the application for right to work on land, township department office shall send the concerned document together with the objection to concern ward/village tract farm land management committee for enquiry and submission within (7)days of the receiving objection.

- (b) When getting the letter under sub-rule (a), the ward/village tract farm land management committee shall submit the result of enquiry to the township department office within (7) days of receiving the letter from township department office.

10. Township department office, when receiving the letters under rule-9(b), shall send the dossier of right to work on farm land with recommends to the concerned township farm land management committee, within (30) days of receiving the submission.

11. The township farm land management committee, when receiving the dossier of right to work on farm land under rule-10, it shall be scribed and submitted on to the district farm land management committee within (7) days of receiving dossier.

12. The district farm land management committee, when receiving the dossier of right to work on farm land under rule-11, it shall be decided after the scrutinization, whether the application is allowed or rejected within (15)days of receiving the dossier, it shall be sent to the township department office.

13. The township department office-

(a) According to the letter of permit from district farm land management committee the person who get the right to work on farm land shall be made to pay the registration fees to the account section of the department by registering in the list of those who get the right to work on farm land, (form-5) and sent it to the township farm land management committee.

(b) After registering the objective person in the form-6 of those who are objected the right to work on farm land according to the letter of district farm land management committee and submitted to the township farm land management committee.

14. The township farm and management committee, in compliant with the letter of district farm land management committee -

(a) The form (7) of the farm land work permit certificate shall be issued to the person who has got the right to work on farm land.

(b) The letter of objecting to work on farm land in form-8 shall be sent to the person whose application to get the right to work on farm land.

15. In connection with farm land case currently being enquire as per existing law, before this law come into force these rules shall be applied to decide the concerned farm land work permit after only the said case is conclusively decided.

Chapter (3)

Right to work on Farm land for the requisioned

Farm land in the reclaimed farm land

16. The farm land management committee delegated by the cental farm land management committee shall proclaim to the public to apply for getting the right to work on farm land by those wishing to get the right to work on the farm land requised and on the farm land reclaimed occasionally by the state.

17. When proclaiming under rule-16, anyone wishing to get right to work on farm land of the requisitioned farm land and the farm land, reclaimed farm land and, the farm land, reclaimed occasionally by the government, he shall apply to the township department office by getting free the application to work, on farm land (form-1) and filling it completely at the concerned ward/village tract administration office.

18. The township department office, in connection with the application under rule-17, shall scrutinized the following facts -

(a) If it is a person -

(i) Whether he is 18 year age or not.

(ii) Whether a citizen or not.

(iii) Doing agriculture by using the farm land.

(iv) Normally domiciling in the ward/village tract unless any extra ordinary cause.

(v) Being able to followed the regulation designated by the higher farm land management committee.

(b) If it is organization -

(i) Being able to work on the farm land with objective of wishing to work agriculture.

(ii) Being circumstantially able to work the agriculture as the essential vocation.

(iii) Being able to observe the regulation stipulated serially from the superior farm land management committee.

19. The township department office shall submit the finding under rule-18 with the recom to the township farm land management committee within (7)days of receiving the application under rule-17.

20. Township farm land management committee, shall submit the submission under rule-19 after rescutinizing to the district farm land management committee as per the priority arrangement with recommend within (7) days of receiving the submission -

(a) If it is a person -

(i) A farm worker without farm land and without capital.

(ii) Although working agriculture, being short of farm land

(iii) Although working agriculture, requiring farm land to expand work.

(b) If it is on organization -

(i) Being able to work agriculture as major profession.

(ii) Being able to implement the modern mechanized farm land system.

(iii) Having the condition to work agriculture on farm land, and being able to support the regional development.

21. The district farm land management committee, when receiving the dossier of right to work on farm land scrutinized and submitted by the township farm land management committee, shall send the decision of permit or objection on the application of right to work on farm land after rescutinizing to the township department office within (15) days of receiving of the said dossier of work.

22. The Township department office -

- (a) According to letter of permit from district farm land management committee, the person who get the right to work on farm land shall be made to pay the registration fees to the account section of the department by registering in the list of those who get the right to work on farm land (form-5) and sent it to the township farm land management committee.
- (b) The person who is denied because of the letters from district management committee, shall be registered in the registration -6 of those denied to work on farm land, and submitted to the township farm land management committee.

23. The township farm land management committee, in compliant with the letter of district farm land management committee

- (a) The permit certificate of the right to work on farm land form-7 shall be issued to the person who gets the right to work on form land.
- (b) The objection letter for the right to work on farm land (form-8) shall be sent to the person denied of application to get the right to work on farm land.

Chapter(4)

The Right to work on Farm land for the farm

Lands transfered, inherited and Reclerignated

From vacant, fallow and virgin land

The farm land received by transfer.

24. (a) If the right to work on farm land is transferred by selling, exchanging or giving, the transferer and transferee shall sign the deed by paying stamp duty in front of the concerned ward/village tract farm land management committee where the said farm land situate.

- (b) The deed made under sub-rule (a) shall be registered at the concerned township department office within 120 days of so signing the deed.

25. The person receiving by selling, exchanging or giving of the right to work on farm land-

- (a) For the change of name who get the right to work on farm land, application shall be put up to the township department office by filling in application form (9) to change the name of person getting the right to work on farm land.
 - (b) When applying under sub-rule (a) the original permit certificate of the right to work on farm land together with registered sale deed shall be submitted.
26. Township department office, after making enquiry by opening the dossier of the right to work on farm land for the application under rule-25, shall submit the dossier with recommend to township farm land management committee within (7) days of receiving the said application.
27. Township farm land management committee, by scrutinizing the dossier of right to work on farm land submitted under rule-26 shall inform the township department office of changing of the name who get the right to work on farm land within (15) days of receiving the said dossier.
28. (a) The township department office shall submit the dossier to township farm land management committee within (7) days of registration after registering in the list of person who get the right to work on farm land by paying the registration fees to the account of the department by the person who get the right to change name within 15 days of receiving the letter of name change by the person who get the right to work on farm land from township farm land management committee.
- (b) When receiving submittal under sub-rule (a), the township farm land management committee shall issue the certificate of right to work on farm land to the application. It shall be reported to the district farm land law management committee of the said completed matter.

The inherited farm lands.

29. The inheritor of right to work on farm land shall apply to the township department office to change the name of the person who get the right to work on farm land with (form-9) by attaching the inheritance certificate and the certificate of the original right to work on farm land together with the application.
30. The Township department office -
- (a) Shall issue the notice of objection (form-2(a)) for making objection by any person with the farm evidence, in connection with the application of changing the name of the person who get right to work on farm land within (15) days of receiving the said application by opening the dossier of right work on farm land together with the application as per rule (29).

- (b) The objection notice (form-2(a)) shall be posted at the township department office and the ward/village tract administration office where the farm land situde.
 - (c) When making notice under sub-rule (a), it shall be mentioned that the objection can be made within (30) days of posting the said notice.
- 31. The Township department office, in connection with the application to change the name of person who get the right to work on farm land, -
 - (a) It there is any objection -
 - (i) If it is found to be the objection with firm evidence, the dossier shall be submitted to the township farm land management committee with the recommend that the application to change the name of person who get the right to work on farm land, should be rejected.
 - (ii) If it is found that the objection is without firm evidence, the dossier shall be submitted to the township farm land management committee with the remark that the application of name change should be allowed.
 - (b) If there is no objection the dossier should be allowed with the remark that the application of name change should be allowed.
- 32. Township farm land management committee shall inform to the township department office within (15) days of receiving dossier to allow the name of person who get the right to work on farm land or to be objective in connection with the submittal under rule-31.
- 33. Township department office in connection with the application to change name, under rule-32
 - (a) Shall submit the dossier to township farm land management committee within (7)days after registering in the list of person who get the right to work on farm land (form-5) by making the applicant to pay the registration fees to the department account within (15)days of receiving the letter.
 - (b) If receiving letter of objection the dossier shall be submitted to township farm land management committee within (7)days of registering in the list of person objective to get the right to work on farm land (form-6).
- 34. Township farm land management committee
 - (a) When receiving the submitt under rule (33-(a)) the permit certificate of work on farm land (form-7) shall be issued to the applicant the district farm land management committee shall be reported of the completion of thus.
 - (b) When receiving the submittal under rule (33-(b))) the applicant shall be informed with the letter of objection to the application of right to work on farm land (form-8). The said metterof completion shall be reported to district farm land management committee.

- (c) In connection with the issue of the permit certificate to work on farm land under sub-rule (a), and the letter of objection to the right of work farm land under sub-rule(b), it shall be performed by the township department office within (15) days of receiving submittal under rule (33).

Redesignated farm land from vacant, fallow and virgin land

35. Any person who get the right to work on vacant, fallow and virgin land from the vacant, fallow and virgin land central management committee may apply to the central farm land management committee to designate the as farm land from vacant, fallow and virgin land (form-10) with the photos showing the stable working condition after the crop wise plantation and harvest as per the regulation stipulated under vacaunt, fallow and virgin land management law, or vacant, fallow and virgin land worked or used by him.

36. When applying under rule-35 it shall be submitted the recommend of scrutinization of vacant, fallow, virgin land management support team of Naypyitaw council or region/state, together with the information that the reclamation process have been completed as per the said rules.

37. The central farm land management committee shall inform the application for redesignating the vacant, fallow, virgin land as the property of person who get the right to work or use after scrutinizing and allows as applied to the Nay Pyi Taw Council or region/ State farm land management committee.

38. The Nay Pyi Taw Council or region/State farm land management committee/when receiving information under rule-37 shall inform to township department office through district/ township farm land management committee.

39. The Township department office -

- (a) When receiving letter under rule-38 the dossier Shall be opened for the reclamation of farm land from, vacant, fallow, virgin soil.
- (b) After opening the dossier under sub-rule (a) shall submit to township farm land management committee after making the applicant to pay document registration fees to the department account the department account and registering fees to the department account the department account and registering in the list of person who get right to work on farm Land.

40. Township farm land management committee, when receiving submittal under rule-39 (b) shall issue farm land work permist (from -7) to the applicant after reclaiming the farm land from vacant, fallow, and virgin land.

41. A rural farmer family who get the right to work plantation, after completion of reclamation perios of vacant, fallow virgin area work, shall apply to Nay Pyi Taw council or region/state farm land management committee to designate the vacant, fallow and virgin as farm land application (form-10)by attaching the photos describing the condition of crop wise plantation in harvest completion.

42. When applying under rule-41 the scrutinizing recommend of Nay Pyi Taw Council or region/state vacant, fallow and virgin land management support committee together with for the reclamation as farm land under the provision of rule with the completion report 43.

43. Nya Pyi Taw Council or region/State farm land management committee shall inform to the township department office through concerned district and township farm land management committee district and township farm land management committee that the application for reclamation of vacant, fallow, and virgin land as that of the applicant has been scrutinized and permitted.

44. Township department office -

- (a) When receiving the letter under rule-43 shall open the dossier for reclamation of vacant, fallow and virgin land as farm land.
- (b) After opening the dossier under sub-rule (a) shall make the applicant to reclaiming vacant, virgin land to pay registration fees to the department account and registered in the list of person who get right to work on farm land (form-5), in submitted to township farm land management committee.

45. Township farm land management committee when receiving submittal under rule-44(b) shall issue permit certificate of right to work on farm land (form-7) to the applicant after reclaiming vacant, fallow and virgin land as farm land.

46. When the stable condition plantation of vacant, follow and virgin land of the investor or the organization included investment permitted to work land to use under the law of foreign investment, the central farm land management committee may reclaim the said vacant, fallow, and virgin land with the approval of Pyidaungsu Government.

Chapter (5)

Leasing And Mortagaging Of the Right

to work farm land

47. When leasing the right to work on farm land-

- (a) The least farm land shall be used for plantation
- (b) The lesser and lessee shall sign lease agreement for the right to work farm land by paying stamp duty in front of the concerned ward/village tract farm land management committee wherein the farm land situate.
- (c) The duration of lease period shall be mentioned in the agreement made under sub-rule (b)
- (d) The deed make under sub-rule (b) shall be registered at the concerned township department office within (120) days of making the agreement.

48. When mortgaging the right to work farm land -

- (a) The person who gets the right to work farm land shall mortgage to get investment for plantation on the said farm land.
- (b) The person who get the right to work farm land shall mortgage by entrusting the original farm land work permit at the government bank or any bank designated by the government for this.
- (c) Mortgagee and the responsible person of the bank receiving mortgage shall sign the deed of mortgage by paying stamp duty in front of concerned ward/village tract management committee wherein the farm land situate.
- (d) Duration of redemption shall be mentioned in the deed made under sub-rule(c).
- (e) The deed made under sub-rule(c) shall be registered at the concerned township department office within (120) days of signing the deed.
- (f) The mortgagor shall have the right to continue plantation on the farm land during the mortgage period.

49. Unless redeemed during the period of redemption designated under rule-48(d), the bank or any bank designated by the government receiving mortgage may manage the right to work on farm land as per procedure of the bank.

50. Government bank or any bank designated by the government for this matter getting management right on the farm land or anybody who get the right to work farm land transferred from any of the said bank, may apply at the township department office to change the name of person who get the right to work farm land under rule - 25.

51. In connection with the application under rule-50, township department office and township farm land management committee shall perform as designated under rule-26,27 and 287.

Chapter - 6

Supervision And Facilitation

52. Ward/village tract farm land management committee, shall keep register (form-11) of ward/village tract wise farm land right to work to keep those who get the right to work farm land and those who are allowed to work farm land for the farm land within the ward/village tract.

53. Ward/village tract farm land management committee

- (a) Shall supervise whether the conditions for those who get the right to work farm land under farm law chapter (4) are abided by or not.
- (b) During the duration of appeal to supervise the decision made by the farm land management committee in connection with disputes on right to work farm land, is to be supervised to follow them.
- (c) To supervise the land not to be kept follows without reasonable cause.

54. Ward/Village tract farm land management committee when supervising under rule-53(a)-

- (a) If it is found that the person who get the right to work farm land farm to follow all or any of the condition contained in section -12 of farm land law it shall be submitted to the farm land management committee appointed by the ministry for the said matter under farm land law-19.
- (b) If it is found that the person who get the right to work farm land violately submitted to township farm land law management committee to take action under section-37.

55. Every level of farm land management committee, shall supervise not to sell, mortgage, lease, exchange or give all or part of the farm land by the person who get the right to work farm land, to Foreigner or organization comprising foreigner without the approval of government.

56. If it is found the person who get the right to use other means on the form land, not to be starting to use the farm land as designated within six months of receiving permit certificate or not to be completing work within 37 of farm land law, the township farm land management committee shall submit to central farm land management committee through district and NayPyiTaw Council or region/state farm land management committee for confiscating the concerned farm land.

57. After making inquiry in connection with violation of all or any of confer decision of administration punishment under section-19(c)(d) shall submit serially to the central farm land management committee for confiscation of the concerned.

58. Every level of farm land management committee-

- (a) Shall conduct for those working on farm land to get fair wages and job opportunity.
- (b) To coordinate the necessary facilitation for transforming from manual farming system to mechanized farming system.
- (c) To facilitate for getting agri loan capital as per type of crop as designated.
- (d) To facilitate for getting high yields strains of seeds and modern agri techniques.

Chapter(7)

Solving And Appealing of Disputer

On the Right on farm land

59. The disputes arising in connection with the right on farm land shall be inquired and heard by the ward/village tract farm land management committee by opening the original case.

60. When handling the disputes in connection with right to work farm land under the provisions of chapter-8 of farm land law-

- (a) Ward/village tract farm land management committee, after hearing the original case shall award order or decision within (15)days of opening the case.
- (b) Someone who is not satisfied with the order or decision made as per sub-rule (a), may appeal to the township farm land management committee within (30)days of order or decision so made, and the township farm land management committee shall approve, revise or reject the order or decision of ward/village tract farm land management committee within (30)days of receiving the said appeal.
- (c) Someone who is not satisfied with the order or decision made under sub-rule (b) shall put up appeal to the district farm land management committee within (30) days of order or decision so made, and district farm land management committee shall approve, revise or reject the order or decision of township/village tract farm land management committee within (30)days of receiving the appeal.
- (d) Someone Who is not Satisfied With the order or decision made under sub-rule (c), shall appeal to the region /state farm land management committee Within (60)days of the order or decision so made, and region /state farm land management committee shall approve, revise or reject the order or decision of district farm land management committee within (60)days of receiving the appeal.

61. When putting up the appeal by the person who is not satisfied with the order or decision made by all level of farm land management committee shall submit the following documents attached -

- (a) The order or decision copy of the decision on farm land disputes signed and certified to be true and correct.
- (b) Relied evidential documents and other paper.

62. The region/state farm land management committee shall submit monthly statement to the central farm land management committee after compiling and scrutinizing or step by step dealing of disputed appeal and completed trial in balance cases of the level of farm land management committee.

63. Central farm land management committee shall take effective action after scrutinizing the cause of delay described by the concerned farm land management committee without being able to process within the designated period under rule (60) (a) (b) (c) (d) by the farm land management committee.

Chapter (8)

Grievance And Compensation

64. In the farm land is requisitioned under farm land law for the interest of the state or the public the grievance and compensation for improving the farm land with buildings on the said farm land by the person who get the right to work farm land in the improvement made by the original person who get the right to work farm land, without delay farom the concern, the centarl farm land management committee shall conduct as necessary.

Chapter (9)

Use of farm land

Crop change cultivation on farm land

69. For food sufficiency of the countr, the country, the concerned Naypyitaw council or region/state farm land management committee shall have a constatn supervision on the crop change cultivation.

70. Naypyitaw Council or region/state farm land management committee shall submit the actual figures sown acre to the central farm land management committeee after confirming step by step inconnection with the crop change cultivation in the region.

71. Anyone who get the right to work farm land shall appple to change cultivation of the perenial type from a orginio szason crops on the farm land if he wants to do so.

72. The township department office shall open the dossier of changing farom seasonal crop to the perenial type on the farm land an the oppplication under rule-71.

73. The Township department office shall scrutinize the following

- (a) The profile of applicant.
- (b) The land type and class as per settlement of the land applied.
- (c) The present land class and the of water.
- (d) The present sown name of crops.
- (e) The name of crops to be changed and the condition of crop yield.
- (f) Cause of crop change.
- (g) Condition of work.
- (h) The condition of other crops on other land.
- (i) The commentary remark of the ward/village tract farm land management committee.

74. The Township department office shall submit the application to change from the organial aeasonal crop to the perennial plantation with the recommend to the township farm land management committee.

75. Township Farm land management committes shall send the submittal under rule - 74 after rechecking to Nay Pyi Taw Council or region / state farm land management committee through district farm land management committee.

76. Nay Pyi Taw Council or region / state farm land management committee, in connection with the submission under rule-75 -

(a) If it is applying change from paddy crop to perennial plantation, the dossier with recommend shall be sent to central farm land management committee.

(b) If it is applying to get permit to change from the organial non-paddy seasonal crop to the perennial type, after checking the submission facts, and if allowed to change crop cultivation the permit certificate (form-13) shall be issued.

77. The central farm land management committee shall issue the permit certificate (form-13) of crop change, if allowed after checking the facts submitted serially, not to affect the sufficiency of paddy crop which is the staple crop of the country when getting the submission under rule-76 (a).

Use of farm land by other means

78. The Union Ministry or Nay Pyi Taw Council or region / state government which will implement the plan to use farm land by other means for planning work, for the sake of land term national interest.

(a) It shall be submitted to the Union Government with the approval of central farm land management committee.

(b) When getting the approval of Union Government, the planting may be implemented.

79. The rural development project or urban for the urban development project drown by Nay Pyi Taw Council or region / state government experts and approved by concerned Union ministry and sent to central farm land management committee in advance to establish the housing complex for the increasing population in families in the rural in urban locations the farm land is to be used by other means.

80. According to the projects to be completed for the rural and urban development for the rural living standard development hospital, dispensary, library, street, bridge, rural market, religious, building, cemetery and other necessary building, it is to be used if compliant with the following facts -

- (a) If it is school the approval of Union education ministry and availability of fund.
- (b) If it is for health unit, hospital in dispensary, the approval of union health ministry and availability of fund.
- (c) If it is for religious building, the approval of union ministry of religious affairs, and availability of fund.
- (d) If it is for other matters the approval of concerned union ministry and availability fund.

81. When transforming from manual farming to mechanized modern farming for the development of agriculture sector, necessary building for keeping farming machinery, construction of rice mills, silo and ware house for storage crop for the construction of necessary infrastructure, farm land is to be used by other mean.

82. Anyone who wants to use farm land by other mean, if it is to use farm land by other mean including the matters described in rule (79), (80) (81), the application (form-14) to use farm land by other mean shall be sent to township department office.

83. Township department office shall open the dossier of using farm land by other mean on the application under rule-82.

84. The township department office (30) days of receiving application under rule-82, shall scrutinize the following -

- (a) The condition of land applied.
- (b) Title ship.
- (c) Condition of plantation.
- (d) Location of building to be built.
- (e) Submission of date and method of using the applied land.
- (f) The recommend of concerned ward / village tract farm land management committee regarding the applied land.
- (g) Whether it is attached with the approval of concerned government / organization for the application using land by other mean by department and work units.
- (h) Whether it is submitted with the condition of using the adjacent land together with the location site plan map of the applied land and adjacent land.
- (i) The scrutinized remark of the ward / village tract farm land management committee.

85. Township department office, in connection with the application, for using farm land by other mean shall submit the dossier of application to use farm land by other means with recommend to the township farm land management committee.

86. Township farm land management committee, when getting submittal under rule-85 shall submit the dossier with the following scrutinization to the Nay Pyi Taw Council or region / state farm land management committee through district farm land management committee within (15) days of receiving the said submittal.

- (a) Whether the applied land area to be used by other means is the least necessity of land area for the ward to be used.
- (b) Whether it can affect the plantation presently worked adjacent to the applied land area under sub-rule (a).
- (c) Whether it can affect the drainage of water way used for plantation work.
- (d) Whether it can affect street, agri products work used by the public.
- (e) Whether the applied work can be completed within the applied method in period.
- (f) Whether it contain the admission made by the applicant himself that it may be used in the method applied.

87. Nay Pyi Taw council region / state farm land management committee, regarding the submittal under rule-86 -

- (a) Regarding the application to use paddy and by other means be dossier together with recommend shall be submitted to the central farm land management committee within (30) days of receiving the submittal.
- (b) If it is applying to use farm land except paddy land by other means shall submit the dossier with recommend to the Nay Pyi Taw Council or Region / State government within (30) days of receiving scrutinized facts submitted by serially.

88. Nay Pyi Taw Council, region / state farm land management committee, regarding the submittal under rule-86 -

- (a) Regarding the application to use paddy land by other means be dossier together with recommend shall be submitted to the central farm land management committee within (30) days of receiving the submittal.
- (b) If it is applying to use farm land except paddy land by other means shall submit the dossier with recommend to the Nay Pyi Taw Council or Region / State government within (30) days of receiving scrutinized facts submitted by serially.

88. Central farm land management committee, regarding the submittal under rule (87) (a), if so allowed, the permit order (form-15) to use the paddy land by other means shall be issued.

89. The Nay Pyi Taw Council or Region / State government committee, if allowed regarding the submittal under rule (86) (b) the permit order (form-15 (a)) to use land except paddy land by other means shall be issued.

90. Nay Pyi Taw Council or Region / State farm land management committee, regarding the condition of work on farm land used by other means shall make district and township farm land management committee to conduct field inspection, shall submit every (6) months the findings of inspection on using by other means (farm-16) together with photos of findings of inspection on using by other means (farm-16) together with photos of findings of inspection to the central farm land management committee.

91. When conducting field inspection by district and township farm land management committee, it is found that the person who get the right to use farm land by other means has not started as per designated way within (6) months or the work is not completed within designated period, the separate dossier opened and submitted to the Nay Pyi Taw Council or Region / State farm land management committee together with photos records.

92. Nay Pyi Taw Council or Region / State farm land management committee, when receiving submittal under rule (91), shall submit to the central farm land management committee to take action under farm land law section (31).

93. Central farm land management committee, when receiving submittal under rule (92), if necessary after scrutinizing -

- (a) Shall revoke the permit order to use paddy land by other means.
- (b) Regarding farm land except paddy land it shall inform to revoke the permit order issued by Nay Pyi Taw Council or Region / State government.

94. The Central farm land management committee shall confiscate the land revoke under rule (93) (a) or the land revoked by Nay Pyi Taw Council or Region/State government is inform under sub rule (b).

Chapter (10)

Management of Farm Land

95. When transforming farm land as modern model mechanized farm by the state or local program, if the boundary and increase / decrease of the said farm land is affected, the Township farm land management committee shall conduct field inspection, Fair and correct decision and re-designation of right to work farm land within (15) days or transforming the farm land so that the plantation adn be completed by the person who get right to work farm land within the agri-season.

96. The concerned ministry implementing the planning for the long term interest of the state shall submit to the central farm land management committee for requisitioning the seast actual necessary area to implement the planning.

97. Central farm land management committee not to macle an ncessary waste of farm land or not to affect the sufficiency of paddy crop shall submit to the Union Government with recommends the least area of farm land to be requisitioned by the concerned ministry for implementation the project after scrutinization.

98. The Union Government shall requisition the necessary area of farm land after scrutinizing the submittal of recommendation put up by the Central farm land management committee under rule (97).

99. Except the matter to be sued by other means under notification prescribed by the Union Government or the authority appointed by the Union Government for the said matter, arrangement shall be conducted not to affect pasture land and common village land.

Chapter (11)

Prosecution

100. The farm land management committee appointed by the ministry to award order section (19) to the person who get right to work farm land, due to violation of all or any condition of section (12) of farm land law-

(a) Any one not obeying the said order until the designated day of order so awarded, shall be prosecuted by applying to the concerned court to take action under section (35) of farm land law.

(b) When so prosecuting it shall be immediately submit to the superior farm land management committee.

101. The township department office shall record regarding the order awarded by concerned court in the case prosecuted under rule (100) (a).

102. The township farm land management committee if it is found that the person who get the right to work farm land has sold, mortgaged, leaset, exchanged and given all or part of the farm land without permission of government to the foreigner or organization constituted with foreigner and or the submittal under rule-54 (b). If accepted or known by itself the first information report (FIR) may be opened at the concerned police station to take action under section 36 of farm land law.

Chapter (12)

Granting of right of work alluvial land

103. The area, location and the shape form of alluvial land, alluvial land of the alluvial land adjacent to the coastal line, are yearly used to change, the right to work alluvial land shall be annually granted.

104. It shall be pre arrange to grant the right to work alluvial land for one season of a year before the flooding cover than in time to meet the annual summer plough work.

105. The Township management committee when managing for the granting of alluvial land-

- (a) The nearest village to the alluvial land shall be designated with the approval of district farm land management committee by coordinating with the ward/village tract farm land management committee.
- (b) The Shortest of the fencing of the village nearest to the alluvial land the perimeter line of the land on the alluvial land shall be comparatively considered. The boundary line of the village tract shall not be compared.
- (c) The alluvial land with permanent boundary uncultivable sand banks, reed groves and the forest of elephant grass shall not be included.
- (d) Mapping and calculating after measuring the cultivable land boundary and it shall be based on the calculated area.

106. The township farm land management committee, when granting the right to work alluvial land -

- (a) The previous year grant of permit shall be considered. But this facts shall not be deemed as basic.
- (b) The landless farmer, land laborers and farm workers who can work agricultural according to the economic revenue inquest from the village designated to be nearest to the alluvial land shall be selected to grant.
- (c) The person selected under sub rule (b), it granted to work the alluvial land, grant area per number of people, with the intension of getting profit enjoy by the ordinary farmer of the surrounding area, shall be allocated.
- (d) If the right to work is granted under sub rule (c), and the profit enjoyed more than the ordinary farmer of the surrounding area the land less person land laborers and farm workers who can cultivate from the nearest village of the lesser job opportunity shall be supplemented with the area to work.
- (e) The designated area shall be blocked and numbered for a family of farmers.
- (f) The selected family of farmers shall be granted ballot system to the block nearest to their village.

107. The township farm land management committee, regarding to the grant of right to work alluvial land shall compile the registration (form-17) of those who get the right to work alluvial land as per and alluvial land.

108. Regarding the right to work alluvial land -

- (a) If any dispute arise between ward / village tract in the township, township farm land management committee shall conduct field inspection and coordinate with the ward / village tract management committee and the accepted decision from region/state farm land management committee through district farm land management committee.
- (b) If any dispute arise between township in a district, the district farm land management committee shall conduct field inspection and coordinate with the township farm land management committee, and submit to and accept decision from A Region/State farm land management committee.

- (c) If any disputes arise between district in a Region / State farm land management committee shall conduct field inspection and coordinate and decide.
- (d) The decision of Region / State farm land management committee shall be final and conclusive.

109. Regarding the dispute on alluvial land between Region / State, the concerned Region/State farm land management committee shall submit to an accept decision from the central farm land management committee.

110. To be able to allocate be boundary of alluvial land without disputes the administration jurisdiction of shall be measured and recorded by modern (GPS) Global Positioning System and the land mark Pillars shall be erected within the jurisdiction designated as per township ward or village tract. If any difficulties arise it shall be demarcated along the guiding line measured and described according to permanent land mark formerly designated.

111. Region / State farm land management committee when managing the right to work alluvial land, if regarding security of the region and rule of law it shall be submitted and conducted by submitting to region / state government.

112. Anyone who get the right to work alluvial land -

- (a) Shall pay only land tax without paying registration fees as he get the right to work for one season within a year.
- (b) Regarding the right to work alluvial land, notification, order, directive and procedure stipulated by the central farm land management committee and department office shall be followed.

Chapter (13)

General

113. With the expectation of upgrading the social economic life of farmer to formation of the farmer organization may be formed as per existing law.

114. Anyone who get the right to use farm land if he has not applied to get the permit certificate to work farm land as he is not designated as someone who get the right to work farm land, he shall not enjoy the benefits acquired by the person who get the right to work farm land.

115. The central farm land management committee shall designate the method to be performed regarding the spoilage and loss of permit certificate of the right to work farm land.

116. The central farm land management committee shall encourage effectively for the vanishing of slash and burn cultivation and to introduce terrace cultivation on high land for the environment conservation, not to spoil the watershed area the forest, not to spoil top soil, and to regulate the climate.

117. The following rules are revoked by these rules -

- (a) Nationalization of farm land and rules of 1954.
- (b) The land rent rules of 1963.

sd - Myint Hlaing
Union Minister
Ministry of Agriculture and
Irrigation