

The Republic of the Union of Myanmar

Ministry of Agriculture and Irrigation

Notification No. 1/2012

August 31, 2012

Vacant, Fallow and Virgin Lands Management Rules.

The Ministry of Agriculture and Irrigation, exercising its given rights, and with the approval of the Union Government, has issued the following rules in accordance with Section 34, Sub-section (a) of the Vacant, Fallow and Virgin Lands Management Law.

CHAPTER I

TERMS AND DEFINITIONS

1. These rules shall be called the Vacant, Fallow and Virgin Lands Management Rules.
2. The terms and expressions used in these rules shall have the same meaning as used in the Vacant, Fallow and Virgin Lands Management Law. In addition, the following expressions shall have the meanings as stated below:
 - (a) **Separate Board** means the board formed by the Central Committee to inspect cases and matters relating to the rights to work on and utilize vacant, fallow and virgin lands submitted by the Naypyidaw Council or respective Region or State.
 - (b) **Special Board** means the board formed by the Central Committee on occasion to inspect the situation regarding implementation of projects on vacant, fallow and virgin lands.
 - (c) **Form** means the prescribed form used in these rules.

CHAPTER II

RIGHTS TO WORK ON AND UTILIZE VACANT, FALLOW AND VIRGIN LANDS

3. The following persons or organizations that wish to carry out agricultural projects, livestock breeding, mining and other government approved legal projects on vacant, fallow and virgin lands may apply to the Central Committee:

- (a) Myanmar citizen investors
- (b) Government departments, government organizations and non-government organizations
- (c) Those who have been exempted by the relevant ministry in accordance with Section 14 of the 1987 Transfer of Immovable Property Restriction Law, such as foreign diplomatic missions that have diplomatic ties with the government, UN organizations, other organizations or individuals
- (d) Investors with the rights to carry out joint-ventures with a government department or any government organization according to the Foreign Investment Law
- (e) Investors with the rights to carry out joint-ventures with Myanmar citizen investors according to the Foreign Investment Law
- (f) Rural farmers and families who wish to carry out manageable agricultural projects.

4. When submitting an application according to Section 3, the following forms must be used:

- (a) application form for the right to cultivate seasonal crops, industrial plants, perennial plants, and orchard produce (Form – 1)
- (b) application form for the right to utilize land to carry out livestock farming (Form – 2)
- (c) application form for the right to utilize land to carry out mining projects (Form – 3)
- (d) application form for the right to utilize land to carry out other government approved legal projects (Form – 4)

5. When submitting an application in accordance with Section 4, one of the following maps issued by the relevant Township Department Office must be attached:

- (a) if located in a region where a field map is available, 2 copies of a map drawn from the field map according to the scale used in the current year: 16 inches = 1 mile
- (b) if a field map is unavailable, 2 copies of a temporary sketch map drawn according to the scale of 1 inch = 1 mile (or) 1: 50000

6. Upon receiving applications for the rights to work on and utilize vacant, fallow and virgin lands, the Central Committee shall record the relevant details in the Register for Applications for the Rights to Work on and Utilize Vacant, Fallow and Virgin lands (Form -5), and transfer them to the respective Naypyidaw Council or Regional or State task force for inspection and further action.

7. The Naypyidaw Council or Regional or State task force shall forward the applications for the rights to work on and utilize vacant, fallow and virgin lands submitted in accordance with

Section 6, to the respective Naypyidaw Department Office or Regional or State Department Office.

8. The Naypyidaw Department Office or Regional or State Department Office, shall through the respective District Department Office, forward the applications for the rights to work on and utilize vacant, fallow and virgin lands submitted in accordance with Section 7, to the respective Township Department Office for necessary action.

9. The Township Department Office, upon receiving an application submitted in accordance with Section 8, shall –

(a) record details concerning the application in the Register for Applications for the Rights to Work on and Utilize Vacant, Fallow and Virgin lands (Form - 5).

(b) open a case file for the application regarding the right to work on and utilize vacant, fallow and virgin lands, and on the date of receiving the application, notify the public that if any individual wishes to object, she/he can raise an objection together with sound evidence regarding the application for the right to work on and utilize vacant, fallow and virgin lands according to the Notification for Objection form (Form – 6).

(c) The Notification for Objection form (Form – 6) must be placed on the notice boards of the relevant Naypyidaw Department Office or Regional or State Department Office, the District Department Office, the Township Department Office, and the Administrator's Office of the ward or village tract where the vacant, fallow and virgin lands are located.

(d) In the notification in accordance with Sub-section (b), it must be stated that objections can be made within 30 days from the date of notification.

10. During the period of notification in accordance with Section 9, Sub-section (b), the Township Department Office shall examine the following points and fill in the Inspection Form for the Right to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 7):

(a) whether the applicant is eligible in accordance with one of the criteria in Section 3

(b) regarding the applied vacant, fallow and virgin lands –

(1) whether the lands are in fact vacant, fallow and virgin lands

(2) whether there is a holder currently utilizing the land

(3) whether there is any encroachment on the land

(4) whether the right to work on or utilize the land had been granted in the past

(5) whether more than one applicant has applied for the vacant, fallow and virgin land or a part of the land.

(c) whether the applicant has the means to work on or utilize the vacant, fallow and virgin lands

(d) whether the vacant, fallow and virgin lands are suitable for the purpose mentioned in the application

(e) whether the environment will be affected

(f) whether the applied vacant, fallow and virgin lands are free from involvement with the lands managed by respective enterprises, departments or organizations, and whether the projects of these enterprises, departments or organizations will be affected.

11. In handling the applications submitted in accordance with Sect 8, if there is more than one applicant for the vacant, fallow and virgin lands, the Township Department Office shall issue a notification using the Notification for Objection form (Form – 6) for any objections with sound evidence, and carry out the following:

(a) Record the facts concerning the application in the Register for Applications for the Rights to Work on and Utilize Vacant, Fallow and Virgin lands (Form - 5)

(b) In addition to the points in Section 10, examine the following points and fill in the Inspection Form for the Right to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 7):

(1) the conditions regarding the means for investment

(2) the conditions for implementation of the proposed project

(3) the conditions with respect to the work plan

(4) the situation regarding supply of materials used for the project

12. With respect to the application for the rights to work on and utilize vacant, fallow and virgin lands:

(a) If there is any objection -

(1) the Township Department Office shall examine the objection together with the submitted evidence, within 7 days from the date of receiving the objection, and report the findings together with the case file to the respective Naypyidaw Council or Regional or State task force through the respective District Department Office and Regional or State Department Office.

(2) upon receiving the case file and objection submitted according to Sub-section (1), the Naypyidaw Council or Regional or State task force shall submit the objection, together with relevant remarks or notes, to a Separate Board formed and delegated by the Central Committee, with instructions to carry out an inquiry and report findings.

(3) upon receiving the instructions in accordance with Sub-section (2), the Separate Board shall within 7 days from receipt of the instructions, make a field trip to the location of the vacant, fallow and virgin lands to carry out an inspection, and submit a report with findings, together with photo records as evidence, to the respective Naypyidaw Council or Regional or State task force.

(b) If there is no objection:

(1) the Township Department Office shall submit the case file together with findings and remarks to the respective District Department Office within 7 days from the last date of the objection period.

(2) the District Department Office shall submit the case file together with remarks to the respective Naypyidaw Department Office or Regional or State Department Office within 7 days from the date of receipt of the case file submitted in accordance with Sub-section (1).

(3) the Naypyidaw Department Office or Regional or State Department Office shall submit the case file together with remarks to the respective Naypyidaw Council or Regional or State task force within 7 days from the date of receipt of the case file submitted in accordance with Sub-section (2).

13. Upon receiving the case file concerning the right to work on and utilize vacant, fallow and virgin lands submitted in accordance with Section 12, Sub-section (a) and (b), the Naypyidaw Council or Regional or State task force shall examine the following points and record the findings in the Inspection Report (Form – 8):

(a) details concerning the applicant

(b) details concerning the applied vacant, fallow and virgin lands

(c) findings upon inspection of the applied vacant, fallow and virgin lands

(d) findings regarding investments

(e) findings regarding work plan

(f) findings regarding preparation and utilization of materials for the project

(g) findings regarding ability to complete projects within the prescribed period

(h) other facts or findings

(i) observations or conclusions with regard to the applied vacant, fallow and virgin lands and the subject of application

14. After taking action in accordance with Section 13, the Naypyidaw Council or Regional or State task force shall submit the case file as soon as possible to the Naypyidaw Council or Regional or State government for consideration and remarks.

15. Within 7 days from the date remarks concerning the case file submitted in accordance with Section 14 are received from the Naypyidaw Council or Regional or State government, the Naypyidaw Council or Regional or State task force shall –

(a) with the exception of applications for the right to work on vacant, fallow and virgin lands not exceeding 50 acres by rural farmers and families wishing to carry out manageable agricultural projects, submit all remaining case files regarding applications for the rights to work on and utilize vacant, fallow and virgin lands to the Central Committee with remarks by the Naypyidaw Council or Regional or State government.

(b) with regard to applications for the right to work on vacant, fallow and virgin lands not exceeding 50 acres, by rural farmers and families wishing to carry out manageable agricultural projects, approve or reject the applications in accordance with the remarks given by the Naypyidaw Council or Regional or State government.

16. Upon receiving the case file submitted in accordance with Section 15, the Central Committee shall –

(a) request remarks from the Union Government Ministry of Mining if for the purpose of mining, or remarks from the relevant Ministry of the Union Government if for the purpose of other government approved legal projects.

(b) in order to avoid damage to the forest lands managed by the government, and in order to avoid damage to natural habitats, areas of water diversion, and natural lakes and ponds, request remarks from the Ministry of Conservation and Forestry and other relevant ministries.

(c) with regard to the projects concerning applications for the right to work on and utilize vacant, fallow and virgin lands for the purpose of foreign investment, obtain agreement from the Myanmar Investment Commission.

17. Upon obtaining the views of the relevant ministry in accordance with Section 16, Sub-section (a) and (b), the Central Committee shall approve or reject the application for the right to work on or utilize vacant, fallow and virgin lands after reviewing the concerned case file.

18. After taking action according to Section 17, the Central Committee shall –

(a) direct the person who has been granted the rights to work on and utilize vacant, fallow and virgin lands to deposit fees as guarantee in the Myanmar Agricultural Development Bank and record details in the Register for Persons Granted Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 9).

(b) direct the person whose application for the rights to work on and utilize vacant, fallow and virgin lands has been rejected, to record details in the Register for Persons Denied the Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 10)

19. After taking action in accordance with Section 15, Sub-section (b), the Naypyidaw Council or Regional or State task force shall –

(a) direct the person who has been granted the rights to work on and utilize vacant, fallow and virgin lands to deposit fees as guarantee in the Myanmar Agricultural Development Bank and record details in the Register for Persons Granted Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 9).

(b) direct the person whose application for the rights to work on and utilize vacant, fallow and virgin lands has been rejected, to record details in the Register for Persons Denied the Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 10)

20. The Central Committee shall issue a notification using the following relevant form to the person being granted the rights to work on or utilize vacant, fallow and virgin lands:

(a) permission granting the rights to cultivate seasonal crops and industrial seasonal plants
(Form – 11)

(b) permission granting the rights to cultivate perennial plants and orchard produce (Form – 12)

(c) permission granting rights to utilize land for livestock farming (Form - 13)

(d) permission granting rights to utilize land for mining projects (Form – 14)

(e) permission granting rights to carry out other government approved legal projects (Form - 15)

21. The Naypyidaw Council or Regional or State task force shall issue a notification using the following relevant form to the person being granted rights in accordance with Section 15, sub-section (b), in order to carry out agricultural projects:

(a) permission granting rights to cultivate seasonal crops and industrial seasonal plants in a manageable project
(Form – 11 a)

(b) permission granting rights to cultivate perennial plants or orchard produce in a manageable project
(Form – 12 a)

22. The Central Committee shall inform the person whose application to work on or utilize vacant, fallow and virgin lands has been rejected in accordance with Section 18, Sub-section (b), using the form for Notification of Rejection of the Application for the Rights to Work on or Utilize Vacant, Fallow and Virgin Lands (Form – 16).

23. The Naypyidaw Council or Regional or State task force shall inform the person whose application to work on or utilize vacant, fallow and virgin lands has been rejected in accordance with Section 19, Sub-section (b), using the form for Notification of Rejection of the Application for the Rights to Work on or Utilize Vacant, Fallow and Virgin Lands (Form – 16).

24. With regard to the application by an investor for the rights to work on or utilize vacant, fallow and virgin lands in accordance with the Foreign Investment Law, the Central Committee shall, after receiving agreement from the Myanmar Investment Commission in accordance with Section 16, Sub-section (c), open a case file and take action according to these rules.

25. The Central Committee shall submit copies of the permission notification granting the rights to work on or utilize vacant, fallow and virgin lands according to Section 20, to the relevant Union Ministry, Regional or State Government, and Naypyidaw Council or Regional or State task force.

26. The Naypyidaw Council or Regional or State task force shall submit copies of the permission notification granting the rights to work on or utilize vacant, fallow and virgin lands according to Section 21, to the Central Committee and Regional or State government.

27. If the person granted rights to work on and utilize 75 per cent of the vacant, fallow and virgin lands approved by the Central Committee in accordance with Section 29, Sub-section (a) and (d) wishes to extend agricultural activities after completing the actual implementation of the project, shall submit an application using the Form for the Rights to Extend Cultivation of Perennial Plants, Seasonal Crops or Industrial Seasonal Plants (Form -1A) to the Central Committee.

28. With regard to the applications submitted in accordance with Section 27, the Central Committee shall take action according to Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, Section,15, Sub-section (a), Section 16, Sub-section (b) and (c), Sections 17, 18, 20 and 22.

CHAPTER III

CONDITIONS WITH RESPECT TO THE RIGHTS TO WORK ON OR UTILIZE VACANT, FALLOW AND VIRGIN LANDS

29. With a view to developing business opportunities and development of the country's economy through the utilization of vacant, fallow and virgin lands, with regard to the area of land allowed to work on or utilize vacant, fallow and virgin lands for cultivation of perennial plants, orchard produce, seasonal crops, and industrial seasonal plants and to do other related business projects, the Central Committee can do the following:

(a) if perennial plants –

(1) allow an area not exceeding 5000 acres each time.

(2) if after actual implementation of the project on 75 per cent of the area permitted in accordance with Sub-section (1), an application according to Section 27 is submitted, based on a field visit and endorsement by the task force, a further extension of land not exceeding 5000 acres can be allowed each time, with up to a total of 50,000 acres in successive extensions.

(3) if the project should be allowed in the interests of the state, and if the person applying for the rights to work on or utilize vacant, fallow and virgin lands submits an application in accordance with Section 27 together with a pledge to carry out actual cultivation according to the prescribed rules, an area exceeding 5000 acres can be allowed at one time with the approval of the Union Government.

(b) if orchard produce, an area not exceeding 3000 acres can be allowed.

(c) if seasonal crops or industrial seasonal plants –

(1) allow an area not exceeding 5000 acres each time.

(2) if after actual implementation of the project on 75 per cent of the area permitted in accordance with Sub-section (1), an application according to Section 27 is submitted, based on a field visit and endorsement by the task force, a further extension of land not exceeding 5000 acres can be allowed each time, with up to a total of 50,000 acres in successive extensions.

(3) if the project should be allowed in the interests of the state, and if the person applying for the rights to work on or utilize vacant, fallow and virgin lands submits an application in accordance with Section 27 together with a pledge to carry out actual cultivation

according to the prescribed rules, an area exceeding 5000 acres can be allowed at one time with the approval of the Union Government.

30. The Naypyidaw Council or Regional or State task force can do the following:

(a) for a farmer or peasant living in a rural area and for a family wishing to carry out a manageable agricultural project, if the application is submitted with the recommendation of the Administrative Officer of the relevant ward or village tract, rights to cultivate an area not exceeding 10 acres of vacant, fallow and virgin lands can be granted with the approval of the relevant Regional or State Government and in accordance with standard procedures.

(b) if an application according to Section 27 is submitted, with sound evidence to confirm actual implementation of the project on 75 per cent of the vacant, fallow and virgin lands permitted in accordance with Sub-section (a), and together with the recommendation of the Administrative Officer of the relevant ward or village tract, with the approval of the Regional or State Government, a further extension not exceeding 10 acres can be allowed each time, with up to a total of 50 acres in successive extensions.

31. The Central Committee, with regard to the area allowed to utilize vacant, fallow and virgin lands for the purposes of farming fish, shrimp, and crab, raising buffaloes, cows, horses, sheep, goats, pigs, chicken, ducks, quails, and raising other animals not used as pets, and other related businesses, can—

(a) allow an area not exceeding 1000 acres for farming fish, shrimp and crab

(b) if livestock breeding-

(1) allow an area not exceeding 2000 acres for raising buffaloes, cows, and horses

(2) allow an area not exceeding 500 acres for raising sheep and goats

(3) allow an area not exceeding 300 acres for raising chickens, ducks, pigs, quails

(c) if the project is not relevant to Sub-section (a) and (b), allow a suitable area of land according to similar kinds of stock or breeds.

32. With regard to the area permitted for mining minerals on vacant, fallow and virgin lands, the Central Committee can obtain remarks from the Regional or State Government based on the inspections and recommendations of the relevant Naypyidaw Council or Regional or State task force and coordinate with the Union Government Ministry of Mining for the permitted area.

33. When granting permission for utilizing vacant, fallow and virgin lands for other government approved legal projects and related projects, with regard to the land area, the Central Committee

can grant permission according to the kind of project, and in collaboration with the relevant Ministry of the Union Government.

34. When granting permission to carry out special projects in the interests of the state, the Central Committee can allow an area of land which exceeds that allowed in Section 29, Sub-section (a) and (c), with the official approval of the Union Government.

35. With regard to the period of time for carrying out agricultural projects, livestock farming, mining, other government approved legal projects and business projects related to them, the Central Committee can do the following:

(a) For agricultural projects –

(1) if perennial plants and orchard produce, allow a period not exceeding 30 years from the date of granting permission.

(2) if seasonal crops or industrial seasonal plants, allow an indefinite period as long as prescribed rules are observed.

(b) For livestock breeding projects, allow a period not exceeding 30 years from the date of granting permission.

(c) Upon expiry of the period allowed in accordance with Sub-section (a), Sub-sub-section (1) and Sub-section (b), based on the kind of project, successive extensions can be allowed not exceeding a total of 30 years, for the project that needs to be continued.

(d) For mining projects, a period stipulated by the Myanmar Mining Law can be allowed, in co-ordination with the Union Government Mining Ministry.

(e) For other government approved legal projects, permission can be granted through co-ordination with the relevant Ministry of the Union Government.

CHAPTER IV

GUARANTEE AND LAND TAX

36. The Central Committee shall pay special attention to the following points while prescribing guarantee fees and land tax:

(a) Prevention of situations in the country where large areas are taken as a privilege without actual implementation or utilization of the vacant, fallow and virgin lands;

(b) Through the requirement of those who have been granted rights to work on or utilize vacant, fallow and virgin lands to deposit appropriate guarantee fees, ensuring correct implementation of projects on the vacant, fallow and virgin lands for which rights have been granted to work on or utilize.

(c) Contributing as much as possible to state revenues, through the land taxes collected from utilization of vacant, fallow and virgin lands.

37. In order to reimburse or pay back the deposited guarantee fees to the person who has the rights to work on or utilize vacant, fallow and virgin lands and who has completed full utilization of the land area in accordance with the prescribed rules, the Central Committee shall conduct constant supervision of the land utilization or cultivation by the person granted rights.

38. In order to take action according to Section 37, the person who has the rights to work on or utilize vacant, fallow and virgin lands, shall deposit the guarantee fees in accordance with the following rules, in the Myanmar Agricultural Development Bank in the township located nearest to the vacant, fallow and virgin lands:

(a) For agricultural projects –

(1) K 3000 (three thousand kyats) per acre if the rural farmer or family wishes to implement a manageable project on less than 50 acres or less.

(2) K 10000 (ten thousand kyats) per acre if the land for the business project exceeds 50 acres.

(b) For livestock breeding projects according to Section 31, K 10000 (ten thousand kyats) per acre.

(c) For mining projects, K 10000 (ten thousand kyats) per acre.

(d) For other government approved legal projects, K 10000 (ten thousand kyats) per acre.

39. The Central Committee may specify the period of land tax exemption for the vacant, fallow and virgin lands for which rights to work on or utilize have been given, starting from the date of granting rights, and according to the kind of project or crops, in accordance with the following:

(a) For agricultural projects –

(1) if the land is for perennial plants 5 years;

(2) if the land is for orchard produce 3 years;

(3) if the land is for seasonal crops or industrial seasonal plants 2 years.

(b) For livestock breeding –

(1) if farming fish, shrimps and crab 2 years;

(2) if raising animals –

(aa) if the land is used for raising buffaloes, cows, horses 2 years;

(bb) if the land is used for raising sheep and goats 2 years;

(cc) if the land is used for raising chickens, pigs, ducks, and quails 1 year.

(3) if the livestock breeding project is not relevant to Sub-section (b), Sub-sub-sections (1) and (2), an appropriate period for livestock breeding of similar stocks or breeds.

(c) For mining projects, a period specified in co-ordination with the Union Government Ministry of Mining, in accordance with the Myanmar Mining Law.

(d) For other government approved legal projects, a period specified in co-ordination with the relevant Ministry of the Union Government.

40. In order to effectively collect taxes or revenues for the state through the utilization of vacant, fallow and virgin lands, the Central Committee shall instruct the person given the rights to work on or utilize vacant, fallow and virgin lands to pay land tax according to the rates below, and according to the kind of crops or projects, for the utilization of the said lands and arrange for the relevant department to supervise and collect the tax:

(a) For agricultural projects –

(1) if the land is for perennial plants, K 3000 (three thousand kyats) per actual cultivated acre;

2) if the land is for orchard produce, K 2000 (two thousand kyats) per actual cultivated acre;

(3) if the land is for seasonal crops or industrial seasonal plants, K 1000 (one thousand kyats) per actual cultivated acre.

(b) For livestock breeding –

(1) if the land is utilized for farming fish, shrimps and crab, K 3000 (three thousand kyats) per acre;

(2) if the land is utilized for raising animals, K 1000 (one thousand kyats) per acre.

(c) For land utilized for mining projects, K 5000 (five thousand kyats) per acre.

(d) For other government approved legal projects, tax rates prescribed in co-ordination with the relevant Ministry of the Union Government.

(c) Tax rates resulting from a revision of the above rates, if necessary, based on changes in currency value, with the approval of the Union Government.

41. With regard to the supervision and collection of the prescribed taxes, the Department shall –

(a) in good time, inform the person granted rights to work on or utilize vacant, fallow and virgin lands to pay tax according to the kind of project, or the kind of crop, within the financial year relevant to the date on which land tax exemption expires.

(b) deposit the land tax submitted according to Sub-section (a) as state funds in Myanmar Commercial Bank every year before March 31, which marks the end of the financial year.

(c) supervise and inspect the payment of land tax by the person granted the rights to work on and utilize vacant, fallow and virgin lands.

(d) arrange for the person or organization who was granted the rights to work on or utilize vacant, fallow and virgin lands according to the permission notice by the Vacant, Fallow and Virgin Lands Management Central Organization prior to the enactment of the Vacant, Fallow and Virgin Lands Law, to pay land taxes regarding the utilized vacant, fallow and virgin lands as state funds, in accordance with the land tax rates prescribed by the above central organization.

(e) submit a report on the collected land taxes annually to the Central Committee, during April after the end of the financial year.

42. The Central Committee shall upon receiving the report submitted in accordance with Section 41, Sub-section (e), submit a report to the Union Government on the state governed tax collection situation.

43. The Ministry, with respect to the rights to work on or utilize vacant, fallow and virgin lands, shall give responsibility to the Township Department Officer as the official for collecting land taxes.

44. Upon finding that a person has failed to pay land tax and is avoiding or violating rules, the Township Department Officer shall take action according to existing laws to ensure tax is collected from the person avoiding or failing to pay land tax and in addition, take effective legal action.

CHAPTER V

RULES AND REGULATIONS TO BE OBSERVED BY THOSE GRANTED RIGHTS TO WORK ON AND UTILIZE VACANT, FALLOW AND VIRGIN LANDS

45. Those who are granted rights to work on and utilize vacant, fallow and virgin lands shall

(a) carry out their project on the vacant, fallow and virgin lands within four years from the date rights are granted, with 15 per cent completed in the first year, 30 percent in the second year, another 30 percent in the third year, and 25 per cent in the fourth year, completing 100 percent of the project within that year.

(b) if they are rural farmers or a family carrying out a manageable agricultural project, complete each agricultural project in the allowed area within two years.

(c) only carry out the approved project, and business activities related to it.

(d) not extract or mine any other natural resources found above and below the surface of the vacant, fallow and virgin lands which they have obtained the rights to utilize.

(e) pay land tax in full for the vacant, fallow and virgin lands that they have gained the right to work on or utilize.

(f) comply with the rules regarding the right to work on and utilize vacant, fallow and virgin lands set out by the Central Committee.

46. If the person holding the right to work on and utilize vacant, fallow and virgin lands wishes to extend the stipulated period for working on or utilizing the land, for reasons such as delays caused by natural hazards or lack of security due to other causes, he /she must submit an application which is endorsed by the Naypyidaw Council or respective Regional or State task force, to the Central Committee.

47. Those who are granted rights to work on and utilize vacant, fallow and virgin lands shall-

(a) upon discovering mineral resources different from the resources originally approved for mining in the vacant, fallow and virgin lands for which they have been granted the right to carry out mining activities, report to the Central Committee immediately.

(b) return the minimum required area from the granted area as instructed by the Union Government upon repossession for economical and conservation purposes due to discovery of natural resources and artifacts related to cultural heritage.

(c) return the minimum required area from the granted area as instructed by the Union Government upon repossession, in the interests of the state, for the purposes of carrying out basic infrastructure projects such as air fields, highways, railroads and special projects.

(d) return the vacant, fallow and virgin lands to the Central Committee upon failure to continue or complete projects after being granted rights to utilize the land.

48. If a person who was granted rights to work on and utilize vacant, fallow and virgin lands prior to the enactment of the Vacant, Fallow and Virgin Lands Management Law fails to comply with or violates the prescribed rules during the original permitted period, the fees deposited as guarantee will be confiscated and the right to work on and utilize the land will be revoked.

CHAPTER VI

MONITORING

49. Those who were granted the right to work on and utilize land through the authority of the Vacant, Fallow and Virgin Lands Management Central Organization before the enactment of the Vacant, Fallow and Virgin Lands Management Law, must submit a report to the Central Committee regarding the practical implementation of the project, with the date and document number of the document granting the rights to utilize the land, together with supporting documents such as photo records of the actual area of land utilized, and of the remaining areas.

50. The Central Committee, in accordance with Section 49, shall scrutinize each case submitted and do the following:

(a) the Naypyidaw Council or Regional or State task force or a special force designated to monitor each project, shall be sent on a field trip to the relevant vacant, fallow and virgin lands, accompanied by the person holding the rights to utilize the land, or a legal representative, together with the chairman of the relevant ward or village tract, to inspect and monitor the actual progress of the permitted project on the granted land and to report its situation.

(b) contact the people working in the environment of the relevant vacant, fallow and virgin lands and question them.

(c) instruct the Naypyidaw Council or Regional or State task force or a special force designated to monitor each project, to report their findings, together with notes and photos for evidence, and remarks to the Central Committee as soon as possible.

51. For each case submitted in accordance with Section 50, the Central Committee shall carry out the following:

(a) check whether the person holding the right to utilize the land has acted in accordance with the rules set out by the Vacant, Fallow and Virgin Lands Management Law with regard to the utilized vacant, fallow and virgin lands.

(b) repossess, according to the Vacant, Fallow and Virgin Lands Management Law, vacant, fallow and virgin lands which have not been utilized upon expiration of the prescribed period and put out an official announcement as to the repossession of the land in order to legally inform the original holder of the land utilization rights.

(c) in the case where the holder of the land utilization rights can provide evidence of having utilized the land within the original prescribed period, a decision regarding the currently unutilized vacant, fallow and virgin lands will be made based on the report and findings of the Naypyidaw Council or Regional or State task force or a special force designated to monitor each project.

(d) manage, according to relevant rules, the vacant, fallow and virgin lands which have been repossessed due to evident failure in utilizing the land within the permitted period according to prescribed rules, or due to evident violation of the rules.

(e) if it is found that work has not been carried out within the permitted period according to the prescribed rules or if there has been violation of any rule, the fees deposited as guarantee will be confiscated as state funds and deposited in a designated bank as the department's earnings, and the right to work on and utilize the land will be revoked.

(f) if it is reported that 100 percent utilization of the vacant, fallow and virgin lands has been completed within the prescribed period, the case shall be reviewed and submitted by the Regional or State task force or a specially formed task force.

52. The Central Committee shall –

(a) if the person who has obtained the rights to work on and utilize vacant, fallow and virgin lands, in implementing his projects, reports that he is affected by a dispute, or obstruction and disturbance or encroachment on the land by local peasants, find out and disclose the true nature of events and take effective legal action.

(b) if it is reported, together with sound evidence, that the land areas of the vacant, fallow and virgin lands which have been granted the rights to work on and utilize, had long been the cultivated lands of the local peasants currently doing agricultural work, negotiate with the said peasants and take action to ensure that they are not unfairly or unjustly dealt with.

(c) if there are peasants who had from the past, been given the rights to work on and utilize the land area of the vacant, fallow and virgin lands for which rights to work on and utilize are

granted, carry out negotiations with the said peasants and take action according to the Vacant, Fallow and Virgin Lands Management Law.

53. The Central Committee shall give responsibility to the Nyapyidaw Council or Regional or State task force or a special force to take a field trip to inspect whether the person granted the rights to work on and utilize the vacant, fallow and virgin lands have implemented projects in accordance with the prescribed rules.

54. The Central Committee shall form a special task force to inspect whether the person granted the rights to work on and utilize the vacant, fallow and virgin lands has, according to the contract terms regarding rights to shares of products from agricultural work, given or paid the relevant quantity of goods or the relevant amount of money to the government, and take action as needed.

55. The Central Committee has the right to repossess the minimum required area from the granted vacant, fallow and virgin lands if any of the following occurs:

- (a) discovery of historical and cultural artefacts on the granted vacant, fallow and virgin lands
- (b) implementation of basic infrastructure projects or special projects is required in the interests of the state
- (c) discovery of other natural resources apart from those permitted, on the vacant, fallow and virgin lands where rights are granted to carry out mining projects
- (d) discovery of natural resources on the vacant, fallow and virgin lands where rights are granted to carry out agricultural projects, livestock breeding or other government approved legal projects.

56. The Central Committee, in order to ensure that the person granted rights to work on and utilize the land does not suffer an injustice with regard to the vacant, fallow and virgin lands that will be repossessed according to Section 55, shall calculate the actual costs incurred in work and investments based on current values and with the approval of the Union Government, and give the responsibility to the Regional or State task force to collaborate with respective departments and organizations to take action for compensation to be received within 30 days from the date of repossession of the vacant, fallow and virgin lands.

57. If the Central Committee finds that the person granted the rights to work on and utilize the vacant, fallow and virgin lands has violated any of the rules in the Vacant, Fallow and Virgin Lands Management Law, the originally deposited guarantee fees will be confiscated as state funds and in addition, the rights to work on and utilize the vacant, fallow and virgin lands will be revoked.

CHAPTER VII

PROTECTION AND ASSISTANCE TO THOSE WHO HAVE BEEN GRANTED RIGHTS TO WORK ON AND UTILIZE VACANT, FALLOW AND VIRGIN LANDS

58. The Central Committee may –

- (a) upon being requested assistance by the person granted the rights to work on and utilize vacant, fallow and virgin lands, with regard to modern technology, healthy seeds and other kinds of assistance for agricultural projects, contact respective departments working under the ministry and co-ordinate with the relevant department or organization nearest in location to the vacant, fallow and virgin lands, to give protection and assistance.
- (b) upon being requested assistance by the person granted the rights to work on and utilize vacant, fallow and virgin lands, regarding modern technology, healthy breeds and other kinds of assistance for livestock farming or aquaculture, contact the Union Government's Ministry of Livestock Farming and Aquaculture and co-ordinate with the relevant department or organization nearest in location to the vacant, fallow and virgin lands, to give protection and assistance.
- (c) upon being requested assistance by the person granted the rights to work on and utilize vacant, fallow and virgin lands with regard to investment loans or working materials or services, based on the findings of a field visit by the Naypyidaw Council or Regional or State task force or a special force, and the recommendations of a relevant department or organization, give a recommendation for the applicant.
- (d) if, after implementation of a project, the person granted the rights to work on and utilize vacant, fallow and virgin lands suffers heavy damage or loss caused by natural hazards such as storms, based on the findings of a field visit by the Naypyidaw Council or Regional or State task force or a special force, and the recommendations of a relevant department or organization, submit a recommendation to the relevant ministry for special loans from the government.

CHAPTER VIII

REIMBURSEMENT OF GUARANTEE FEES

59. The Central Committee shall arrange for the reimbursement of the fees deposited as guarantee to the person who has the right to work on and utilize vacant, fallow and virgin lands if implementation of the projects approved by the Vacant, Fallow and Virgin Lands Management Central Organization is completed within the prescribed period in accordance with the rules.

60. In order to withdraw or reclaim the deposited guarantee fees, the person who has been granted the rights to work on and utilize vacant, fallow and virgin lands shall –

(a) submit an application to the Central Committee or the Naypyidaw Council or Regional or State task force for permission to withdraw the fees deposited as guarantee as work has been completed in accordance with prescribed rules.

(b) in applying according to Sub-section (a) –

(1) With regard to the rights to work on and utilize vacant, fallow and virgin lands for which rights have been granted by the authority of the Vacant, Fallow and Virgin Lands Management Central Organization, a copy of the permit authorized by the Central Organization must be attached.

(2) With regard to the rights to work on and utilize vacant, fallow and virgin lands for which rights have been granted by the authority of the Central Committee, a copy of the permit authorized by the Central Committee must be attached; with regard to the rights to work on or utilize vacant, fallow and virgin lands for which rights have been granted by the authority of the Naypyidaw Council or Regional or State task force, a copy of the permit authorized by the Naypyidaw Council or Regional or State task force must be attached.

(3) A copy of the receipt for the deposited guarantee must be attached.

61. The Central Committee shall forward the application submitted in accordance with Section 60, to the Naypyidaw Council or Regional or State task force for review or examination.

62. When the Naypyidaw Council or Regional or State task force receives the application submitted in accordance with Section 60, or the application forwarded by the Central Committee in accordance with Section 61, it must be sent to the Naypyidaw Department Office or Regional or State Department Office and the following shall be carried out:

(a) The Naypyidaw Department Office or Regional or State Department Office shall, through the District Department Office, forward the application to the Township Department Office and give the Township Department Office (where the vacant, fallow and virgin lands referred to in the application are located), the responsibility of carrying out a field visit for inspection.

(b) The Township Department Office shall take a field trip to inspect the relevant vacant, fallow and virgin lands within 21 days from the date the application is received, and after taking photos recording work progress, and carrying out inspection work, resubmit the application.

63. The Township Department Office shall check the following points when inspecting the land according to Section 62, Sub-section (b) :

(a) whether work has been completed according to prescribed rules in all areas of the vacant, fallow and virgin lands where rights have been granted to work on or utilize.

(b) whether the approved or permitted agricultural projects, livestock breeding or other approved projects have been carried out.

(c) whether the work is consistent with the original project submitted in the application.

(d) whether the guarantee fees requested to be withdrawn is consistent with the guarantee fees originally deposited.

64. The Township Department Office shall, after carrying out an inspection according to Section 63, prepare a complete report with findings and photo records, adding remarks as to whether reimbursement of the guarantee fees is recommended, or whether because of not meeting the stated criteria, reimbursement of the guarantee fees is objected to, and resubmit the application together with the case file through the respective District Department Office to the Naypyidaw Department Office or Regional or State Department Office.

65. Upon receiving the resubmitted case file, the Naypyidaw Department Office or Regional or State Department Office can, if deemed necessary, visit the vacant, fallow and virgin lands and carry out inspection during the field trip. If the report by the Township Department Office is regarded as complete and accurate, a recommendation to reimburse the guarantee fees, or in the event the report is considered incomplete or inaccurate, an objection to the reimbursement of guarantee fees should be added as remarks, and the case file submitted to the Naypyidaw Council or Regional or State task force.

66. Upon receiving the case file submitted according to Section 65, the Naypyidaw Council or Regional or State task force shall forward it together with remarks to the Central Committee.

67. The Central Committee shall –

(a) inspect the rights granted by the Naypyidaw Council or Regional or State task force to work on and utilize the vacant, fallow and virgin lands, and if the facts in the case file are considered complete and accurate, give instructions for the guarantee fees to be reimbursed.

(b) upon observing failure to carry out work in accordance with prescribed rules or violation of rules, give orders to confiscate the fees as state funds.

68. The Central Committee shall forward the order to reimburse the guarantee fees or the order to confiscate the guarantee fees as state funds, together with the case file, to the Naypyidaw Council or Regional or State task force.

69. The Naypyidaw Council or Regional or State task force shall in turn forward the order to reimburse the guarantee fees or the order to confiscate the guarantee fees as state funds, together with the case file submitted in accordance with Section 68, to the Nyapyidaw Department Office or Regional or State Department Office.

70. The Naypyidaw Department Office or Regional or State Department Office shall through the District Department Office, forward the case file submitted in accordance with Section 69, to the Township Department Office.

71. The Township Department office shall –

(a) immediately inform and arrange for the speedy reimbursement of the guarantee fees by the respective bank branch according to instructions given in accordance with Section 67 Sub-section (a).

(b) carry out standard procedures for the transfer of the originally deposited guarantee fees to state funds to comply with the order to confiscate the fees as state funds in accordance with Section 67, Sub-section (b).

72. Regarding the reimbursement of the guarantee fees, the various steps for submitting the case and taking action must be carried out to ensure that the fees are reimbursed to the applicant within 60 days from the date the application is first submitted.

CHAPTER IX

TAKING LEGAL ACTION

73. Legal action can be taken according to the Vacant, Fallow and Virgin Lands Management Law, Sections 26, 27 and 28 against any individual found to cause harm to the property on the vacant, fallow and virgin lands where rights have been granted to work on and utilize, or against those found to encroach on the granted land without permission from the person granted rights to utilize the vacant, fallow and virgin land or from his representative, or those found to obstruct or disturb either the person who has the rights to utilize the vacant, fallow and virgin land or a person working with the permission of the former, or the work being done on the granted land.

74. Legal action can be taken according to the Vacant, Fallow and Virgin Lands Management Law, Section 29 against any individual if it is found that the person has failed to vacate the vacant, fallow and virgin lands for which the right to work on or utilize has been revoked.

CHAPTER X

GENERAL

75. The Central Committee shall submit necessary recommendations to the Union Government for the effective implementation of the government's land management policy.

76. The Central Committee can instruct the person granted the right to work on and utilize vacant, fallow and virgin lands to submit, according to prescribed rules, the conditions and progress in implementation of the work on vacant, fallow and virgin lands, to the Central Committee or the Naypyidaw Council or Regional or State task forces.

77. The Naypyidaw Council or Regional or State task forces shall submit a tri-monthly report with complete details on the conditions and progress in work implementation, and an annual report covering up to the end of the financial year on March 31, to the Central Committee.

78. The Central Committee shall submit a six-monthly report with complete details on the situation regarding management and implementation of work on the vacant, fallow and virgin lands, and an annual report covering up to the end of the financial year on March 31, to the Union Government.

79. The Central Committee formed according to the Vacant, Fallow and Virgin Lands Management Law shall continue to perform the duties and rights of the Vacant, Fallow and Virgin Lands Management Central Organization which was formed before the enactment of the above law.

Myint Hlaing

Union Minister

Ministry of Agriculture and Irrigation