

The Law Amending the Vacant, Fallow and Virgin Lands Management Law (2018)

(Pyidaungsu Hluttaw Law No. (24)

The 2nd Waxing Day of Tawthalin, 1380

(11th September, 2018)

The Pyidaungsu Hluttaw hereby enacts this law.

1. This law shall be called the “Law Amending the Vacant, Fallow and Virgin Lands Management Law (2018)”

2. In the article 2 of the Vacant, Fallow and Virgin Land Management Law,

(a) The expression “ **the Ministry of Agriculture and Irrigation**” contained sub-section (b) shall be substituted by the expression “**the Ministry of Agriculture, Livestock and Irrigation**”.

(b) The expression “ **the Settlement and Land Records Department**” contained in sub-section (c) shall be substituted by the expression “ **the Department of Agricultural Land Management and Statistics**”.

(c) sub-sections (d), (f) and (m) shall be substituted as follows –

“ (d) **Management Committee** means the Region or State Vacant, Fallow and Virgin Lands Management Committee formed under this law. This expression also includes the Union Area Vacant, Fallow and Virgin Lands Management Committee.

(f) **Virgin Lands** means valid land and wild forest land whether on which there are trees, bamboo plants or bushes growing or not, or whether geographically (surface) topography of the land is even or not and being the new land on which cultivation has never been done, not even once. **The said expression shall include the land of forest reserve, grazing ground and fishery lakes and ponds lands which have been legally revoked to carry out in line with this law and not currently in use.**

(m) **Permit** means order permitting the right to cultivate or utilize the land issued by the Central Committee **and the Management Committee** in response to the application for the right to cultivate or utilize vacant, fallow and virgin lands in accord with this law.

3. The title of Section (2) of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows.”

Chapter (2)

Formation of Central Committee for the Management of Vacant, Fallow and Virgin Lands and the Management Committees

4. Section (3), sub-section (a) of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows;

“(a) shall form the Central Committee for the Management of Vacant, Fallow and Virgin Lands; with the Union Minister for the **Ministry of Agriculture, Livestock and Irrigation** as Chairman, Director General of the **Department of Agricultural Land Management and Statistics** as Secretary, appropriate persons from the government departments concerned and other suitable persons as members, for enabling to utilize, manage and carry out agriculture, livestock breeding, minerals production and other lawful businesses permitted by the Government by using the vacant, fallow and virgin lands effectively and properly for the economic development of the State and to **create job opportunities for the locals and landless citizens.**”

5. Section (3-a) shall be added after section (3) of the Vacant, Fallow and Virgin Lands Management Law as follows;

“3-a . The Central Committee;-

“(a) shall form relevant region or state, union area Committees for the Management of Vacant, Fallow and Virgin Lands, with representatives of local ethnic groups, farmer representatives, CSO representatives and appropriate experts.

(b) the management committees formed in conformity with sub-section (a) may be reinstated as necessary.”

6. The expression **“investors, who obtained the permission under the Foreign Investment Law”** contained in section 5, sub-section (d), sub-section (e) and section 12 of the Vacant, Fallow and Virgin Lands Management Law shall be substituted by the expression **“investors, who make foreign investments in accordance with the Myanmar Investment Law”** respectively.

7. Sub-section (f) shall be added after section (5), sub-section (e) of the Vacant, Fallow and Virgin Lands Management Law as follows;

“(f) the government, governmental organizations and Non-governmental organizations that are responsible to work for the landless citizens, smallholder farmers or resettlement and rehabilitation tasks.”

8. Section (5-a) shall be added after section (5) of the Vacant, Fallow and Virgin Lands Management Law as follows;

“5-a. The landless citizens and smallholder farmers may apply to relevant management committee in conformity with the criteria should they would like to get permit to carry out agricultural, livestock breeding and affiliated economic enterprises on the Vacant, Fallow and Virgin Lands within the State.”

9. The expression **“Ministry of Mines”** contained in section 6, sub-section (b) and section 11, sub-section (d) of the Vacant, Fallow and Virgin Lands Management shall be substituted by the expression **“Ministry of Natural Resources and Environmental Conservation”** respectively.

10. Section 6, sub-section (c) of the Vacant, Fallow and Virgin Lands Management shall be substituted as follows;

“(c) Shall work in coordination with the Ministry of Natural Resources and Environmental Conservation and other relevant ministries to avoid deterioration of forest lands which are

forest reserve and protected public forest and to conserve the natural lands, watershed areas, natural lakes and ponds, island and archipelago.”

11. . Section (8) of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows;

“8. The Central Committee may permit or deny application for the right to cultivate or utilize the Vacant, Fallow and Virgin lands.”

12. Sections 8-a and 8-b shall be added after section 8 of the Vacant, Fallow and Virgin Land Management Law as follows;

“8-a; (a) The relevant management committee shall permit or deny within the set period after scrutinizing the application for the rights to cultivate or utilize the Vacant, Fallow and Virgin lands on the permissible amount.”

(b) The person who is not satisfied with the denial of the management committee may appeal to the central committee within 60 days from the date when the decision is made.

(c) The Central Committee may approve, nullify or amend the decision of the management committee.

8-b; Under section 8 and section 8-a, sub-section (c), the decision of the central committee shall be the final.”

13. Section (9) of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows;

“9. The central committee and the management committee shall, when the right to cultivate or utilize the vacant, fallow and virgin lands is permitted under section- 8 and section 8-a, issue the permit after causing to deposit the security fees.”

14. The intro of section 10, sub-sections (a) and (c) of the vacant, fallow and virgin lands management law shall be substituted as follows;

“10. The central committee shall permit for utilizing the vacant, fallow and virgin lands for the following businesses only after inspecting whether there are people utilizing the land under the law or not. In doing so,

(a) In the agricultural business, for perennial plants, orchard crops and Industrial crops, permit 300 acres not exceeding 3,000 acres at a time. If 75 percent of the permitted acres have been fully carried out, permit again not exceeding 3,000 acres at a time up to the total of 30,000 acres, time after time. If the business which should be permissible for the interest of the State, permit more than 3000 acres at a time up to 30,000 acres that can actually be grown with the approval of the Union Government.”

(c) For the mineral production business permit in coordination with the Ministry of Resources and Environmental Conservation.”

15. Section 10-a shall be added after section- 10 of the vacant, fallow and virgin lands management law as follows;

“10-a. The relevant management committee shall permit the use of vacant, fallow and virgin land for agriculture, livestock and other related businesses only after scrutinizing whether there are current users using the land legally. In doing so,

- (a) In agricultural business – permission may be granted up to 300 acres as for perennial plants, orchard crop and industrial crop. After fully carrying out on the 75 percent acre of permitted land, may permit again not exceeding 3,000 acres at a time up to the total of 3,000 acres, time after time.
- (b) May permit not exceeding 50 acres for the rural farmers and persons desires of carrying out agriculture on manageable family-sized scale.”

16. The intro, sub-section (a) clause (1) and sub-section (b) of the section 11 of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows;

“11. When the central committee permits the Vacant, Fallow and Virgin Lands for the use of the following businesses, the periods shall be;-

- (a) (1) For the perennial plants and orchard crops, may permit not exceeding 30 years from the day when the permission was granted.
- (b) For livestock breeding work, may permit not exceeding 30 years from the day when the permission was granted.”

17. Section 11-a shall be added after section 11 of the Vacant, Fallow and Virgin Lands Management Law as follows;-

“11-a, When the relevant management committee permits the Vacant, Fallow and Virgin Lands for the use of the following businesses, the period shall be;-

- (a) In agricultural business;-
 - (1) For the perennial plants and orchard crops, may permit not exceeding 30 years from the day when the permission was granted.
 - (2) For growing seasonal crops, may permit as long as the rules are not breached.
- (b) .. May permit not exceeding 30 years from the day it was first permitted for the rural farmers and persons desires of carrying out agriculture on manageable family-sized scale.”
- (c) Permit to extend not exceeding 30 years in total time after time depending upon the type of business, for the business desirous of further continuation after the expiry of the permitted period under sub-section (a) clause(1) and sub-section (b).”

18. The expression “the land for which the right to utilize is obtained” contained in section 16, sub-section (b) of the Vacant, Fallow and Virgin Lands Management Law shall be substituted with “Permitted Land”.

19. Section 17 of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows;

“17. The Central Committee may assign the relevant management committees or form specific bodies, stipulated their functions and duties to scrutinize and coordinate the submitted . matters concerning the right to cultivate or utilize the vacant, fallow and virgin lands.”

20. Section 22 of the vacant, fallow and virgin lands management law shall be substituted as follows; -

“22. (a) The person and organization having the right to cultivate or utilize under the permit of the Central Committee for the management of vacant, fallow and virgin lands **before this law was promulgated** shall; -

- (1) submit to the Central Committee a compilation of records describing the area of permitted vacant, fallow and virgin lands, the date of issuance and letter number of the permission together with valid evidence showing the area that has been utilized and the remaining area with photo records.
- (2) comply with this law in every aspect regarding to the vacant, fallow and virgin lands that have been utilized.
- (3) be deemed to have acknowledged that the State has resumed the vacant, fallow and virgin lands which are not yet utilized after four years as of the day when permission was granted.
- (4) Acknowledge that the security fees shall be expropriated as the State treasury and the right to cultivate or utilize the vacant, fallow and virgin lands shall be revoked in case of failure to implement the business in accordance with the stipulated terms and conditions or violation of the terms and conditions within four years from the day when the right to utilize the land was granted.

(b) **The person and organization occupying and utilizing the vacant, fallow and virgin lands without the permit of the Central Committee for the Management of Vacant, Fallow and Virgin Lands shall;**

- (1) **apply for the permit to utilize the vacant, fallow and virgin lands at the Central Committee or relevant management committees by submitting complete detailed information including the area of the vacant, fallow and virgin lands that have been utilized, within six months from the day when the Law Amending the Vacant, Fallow and Virgin Lands Management Law (2018) was enacted.**
- (2) **acknowledge that the vacant, fallow and virgin lands that have been utilized shall be resumed or they shall be evicted from the land in line with regulatory procedures in the case of failure to apply for the permit to utilize in line with the sub-section (b)(1) or such application is rejected.**
- (3) **acknowledge that they shall be subject to penalties under this law in the case of continuing to occupy and utilize the vacant, fallow and virgin lands without applying for the right to utilize in line with the sub-section (b)(1) or by defying the order to leave the vacate the vacant, fallow and virgin lands issued by the Central Committee or relevant management committee with the reason the permission should not be granted.”**

22. Section 27 of the Vacant, Fallow and Virgin Lands Management Law shall be substituted as follows:

“27. Any person, if convicted of committing any of the following act shall be punished with a jail term not exceeding two years or a fine not exceeding five hundred thousand kyats or both;

- (a) **Occupying and living or allowing occupying and living, working or allowing working on the vacant, fallow and virgin lands without proper permits as defined under this law.**

- (b) Occupying and working on the vacant, fallow and virgin lands without approval from the person having the right to cultivate or use the vacant, fallow and virgin lands under this law or their legitimate representative.”

23. Section 27-a shall be added after section 27 of the vacant, fallow and virgin lands management law as follows; -

“27-a : Any person who is convicted of violating sub-section (b) clause (3) of section 22 by utilize the vacant, fallow and virgin lands without permission of the central committee shall be punished with a jail term not exceeding two years or a fine not exceeding five hundred thousand kyats or both”.

24. Section 28 of the Vacant, Fallow and Virgin Lands Management Law shall be substituted with the following; -

“22. Whoever obstructs the person who has the right to use the vacant, fallow or virgin lands or the person with legitimate permission from the right holder from implementing any lawful business on the relevant vacant, fallow and virgin lands shall be punished with a jail term not exceeding 6 months or a fine not exceeding a hundred thousand kyats or both.”

25. Section-29 a shall be added after section 29 of the vacant, fallow and virgin lands management law as follows; -

“29-a : Whoever with the rights to utilize the vacant, fallow and virgin lands; -

(a) upon conviction of violating the rules under section 16, subsection (C) shall be punished with a jail term not exceeding two years or a fine not exceeding ten hundred thousand kyats or both.”

(b) upon conviction of violating the rules under section 16, subsection (f) shall be punished with a jail term not exceeding seven years and a fine.”

26. Section 30-a shall be added after section 30 of the vacant, fallow and virgin lands management law as follows; -

“30-a. : Management of the following types of land shall bot be governed by this law; -

(a) The lands for which the right to use as hillside cultivation (Taungya land) is granted under the existing law and rules,

(b) Customary lands designated under traditional culture of the local ethnic people.

(c) The lands currently used for religious, social, education, health and transportation purposes of the pubic and ethnic people.

27. Section 33 of the vacant, fallow and virgin lands management law shall be substituted with the followings; -

“33. (a) The central committee shall inherit and implement the duties and obligations of the central committee for management of vacant, fallow and virgin lands which was formed before the enactment of this law as long as they do not contrary to this law.

(b) The rules, regulations, disciplines, notifications, orders, directives and procedures which were issued for the management of the vacant, fallow and virgin lands related issues shall be in force as long as they do not contrary to this law.”

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

Sd/ Win Myint

President

The Republic of the Union of Myanmar