

2011 Farmland Bill

Note: This '2011 Farmland Bill' was approved by the second regular session of the first Pyithu Hluttaw on 20 September, 2011 and passed in line with Pyithu Hluttaw Rules 159(d).

The Union Government of the Republic of the Union of Myanmar

2011 Farmland Law

(The Union Government of the Republic of the Union of Myanmar Law No.)

Day of , 1373ME

(, 2011)

The Union Government of the Republic of the Union of Myanmar has enacted the following Law:-

CHAPTER I.

NAME AND DEFINITIONS

1. This Law shall be called the Farmland Law, 2011.
2. The following expressions contained in this law shall have the meaning given hereunder:
 - (a) "farmland" means cultivable virgin land at the disposal of the State , and designated lands as; paddy land; ya land; kiang land; perennial plant land; dhani land; garden land; land for growing of vegetables and flowers; alluvial island; pasture land in accord with this law; and land on which the buildings are constructed without the permission of this law. In this expression, it does not include land situated within any town or village boundary used for dwelling, religious building and premises, and public -owned land which is not used for agriculture;
 - (b) "the right to use farmland" means the State is the ultimate owner of all lands, and thus farmland is used for boosting agricultural production in accord with prescribed conditions. However the extraction above and below the ground of natural resources such as; gems, mineral, petroleum and gas is not included;

- (c) “agriculturist” means any person who is in compliance with any one of the following conditions:-
- (1) is or was engaged in agriculture (or) livestock breeding (or) both as his principal means of livelihood (or) ;
 - (2) supervises the land use for agriculture (or) livestock breeding (or) both as his principal means of livelihood during years concerned;
 - (3) invests capital and engages directly or supervises in the production of seasonal crops, orchard, perennial crops (or) commercial livestock breeding as his principal means of livelihood (or);
 - (4) engaged in agriculture (or) livestock breeding;
 - (5) using farmland for producing (or) breeding and selling of sapling, seed, and breeding in for agriculture production and livestock breeding purposes;
- (d) “agricultural household ” means a group of persons related by blood or marriage, living together as a household of whose head thereof, who shall be an agriculturist ;
- (e) “head of household” means any principal member of a household who leads the household activities;
- (f) “Ministry” means the Ministry of Agriculture and Irrigation;
- (g) “Department” means the Settlement and Land Records Department;

CHAPTER II.

THE RIGHT TO WORK FARMLAND

3. The right to work farmland shall be granted to the following agriculturist household (or) an individual or organization conforming to the conditions prescribed as below: -
- (a) The household shall be an agricultural household (or) member of an agricultural household;
 - (b) The head of the household (or) a member of the household who is legally holding and working the land in accordance with existing land law, before this law has been enacted;
 - (c) someone who is the legal beneficiary either in accordance with this law or rules deriving from this law after its enactment ;
 - (d) A citizen of the Republic of the Union of Myanmar who has completed the age of eighteen years;

CHAPTER III.

RIGHTS CONCERNING USE OF FARMLAND

4. The following rights shall be enjoyed in connection with the right to work farmland:
- (a) the right to hold the farmland, right to use, and to enjoy the benefits derived from that labour;
 - (b) To lease, exchange, pawn, inherit, donate , or permanently transfer , in whole or in part;
Note: - “pawning” means to acquire investment for agricultural production, by means of pawning the farmland with a government bank (or) authorized bank (or) person (or) organization
 - (c) leasing, exchanging and pawning of right to work farmland shall not be entered into without the consent and agreement of the legitimate owner;
 - (d) leasing, exchanging and pawning of right to work farmland shall be in line with prescribed disciplines;
 - (e) exemption from profit -tax for measures under above paragraph (b);
 - (f) disputes arising out of inheritance of farmland shall be decided upon by the law respective court in accord with existing law;
 - (g) the duration of the right to work farmland shall continue so long as the stipulated conditions are not breached:
5. The provisions under the section (4) of this law shall not apply to the allocation of alluvial land.
6. The disposal of alluvial land can be effected by means of prescribed rules.

CHAPTER IV.

CONDITIONS IN RESPECT OF THE RIGHT TO WORK FARMLAND

7. The following conditions shall be complied with in respect of the right to work farmland: -
- (a) any person shall work farmland in accordance with the provisions of this law;
 - (b) land-tax and other taxes in respect of farmland assessed by the Ministry shall be paid;
 - (c) farmland shall not be fallow without a sound reason;
 - (d) the prescribed registration fees shall be paid and farmland be registered at the Department;
 - (e) service charges shall be paid at the relevant departmental office for leasing, exchanging, pawning, inheriting , donating , and permanent transfer of farmland ;
 - (f) farmland shall not be used for any other purpose without permission;
 - (g) farmland shall not be worked without the permission of the relevant farmland management body;

8. Following enactment of this law, if the right to work farmland is subject to dispute, a legal resolution of the issue shall be sought only after at the department.
9. Without the permission of the Union Government, farmland shall not for any reason whatsoever be sold given, transferred by other means, divided, leased, exchanged, or pawned to a foreigner (or) an organization containing foreigners.
10. Farmland shall not be leased, pawned, inherited, donated or permanently transferred during a land dispute (or) prior to receiving the right to work farmland ,

CHAPTER V.

FORMATION OF FARMLAND MANAGEMENT BODIES

11. The Ministry may form the following farmland management bodies at various levels with the approval of the Cabinet: -
 - (a) Central Farmland Management Body;
 - (b) Region or State Farmland Management Body;
 - (c) District Farmland Management Body;
 - (d) Township Farmland Management Body;
 - (e) Ward or Village Tract Farmland Management Body;
12. By the approval of the Cabinet, the Ministry may form: -
 - (a) The Central Farmland Management Body with the Union Minister for Ministry of Agriculture and Irrigation as a Chairman, Deputy Minister for Ministry of Agriculture and Irrigation as Vice Chairman, Director General for the Settlement and Land Records Department as Secretary and the relevant government department officials as members of the body;
 - (b) The Central Farmland Management Body constituted under the above paragraph (a), can be reconstituted when necessary;
 - (c) Farmland Management Bodies under section 11 (b), (c), (d), and (e) of this law shall be constituted by the approval of Central Farmland Management Body , and may be reconstituted periodically;

CHAPTER VI.

DUTIES AND AUTHORITY OF THE FARMLAND MANAGEMENT BODIES AT VARIOUS LEVELS

13. The duties and authority of the farmland management bodies at various levels, constituted by this law are prescribed as follows: -
 - (a) to scrutinize all cases in accordance with law in respect of the right to work farmland for registration, transferring, recording of transfers in register book , receiving and deciding land disputes, as well cases of appeal and revision;

- (b) in respect of farmland of which the right to work is to be transferred valuation and registration of deeds at the relevant department office;
 - (c) supervising compliance with the prescribed regulations of the right to work farmland and taking action for breach of the regulations;
 - (d) Revoking the right to work farmland;
14. Whosoever fails to comply with the lawful actions undertaken by the Farmland Management Board at various levels constituted under this law shall be liable to legal action at the relevant court.
15. Every member of the Farmland Management Body at various levels constituted under this law shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.
16. No suit, prosecution or other proceedings shall lie in court against any member of Farmland Management Body constituted under section 11 of this law for action carried out in conformity with this law or rules and regulations of this law.
17. In accordance with the provisions of this law, the Ministry may delegate authority to the appropriate Farmland Management Body under section 11 of this Law, for the purpose of farmland valuation in respect of local conditions and current prices related to registration of deeds, transfer of the right to work farmland which shall be compulsory registered at the office of relevant department in the presence of witness of the Ward or Village Tract Farmland Management body.

CHAPTER VII.

TAKING ACTION ON BREACH OF CONDITIONS

18. If the conditions prescribed in section 7 and section 9 of this law are not met in full or in part the Farmland Management Body at various levels appointed by the Ministry in this behalf shall, after making enquiry in accordance with the rules made under this Law, revoke the right to work farmland.
19. Whosoever who having the right to work farmland under this Law, fails to pay revenue levied by the Ministry, recovery shall be made of such revenue under the law as if it were an arrear of land revenue.

CHAPTER VIII.

APPEAL

20. The Ministry may issue orders for the following matters: -
- (a) Prescribing duties and authority in respect of appeal against the decision made by the Farmland Management Body at various levels constituted under this Law;
 - (b) Prescribing period of limitation in appeal, review and revision;
 - (c) Such other matters as may be deemed necessary.

21. The Ministry may approve (or) revise (or) cancel the decision made by the Farmland Management Body at various levels in accordance with this Law and rules made under this Law, whenever as may be deemed necessary.

CHAPTER IX.

COMPENSATION AND INDEMNITY

22. Notwithstanding any provision contained in any other existing law, rules must be acted for suitable compensation and indemnity in the case of repossession of farmland in the interest of the State.

CHAPTER X.

UTILIZATION OF FARMLAND

23. If it is deemed to be beneficial to the State or to the agriculturists by cultivating any particular crop in any particular area or by utilizing farmland in the prescribed manner in any particular area the President may take or cause to be taken such measures by as he deems expedient for the cultivation of such particular crop or for the utilization of farmland in such particular manner while ensuring the farmland is not diminished.
24. Notwithstanding any provision contained in this Law the President (or) the authority appointed by him for this purpose , may sanction , if it is deemed necessary, any farmland to be utilized in such manner as prescribed by him.

CHAPTER XI.

FARMLAND ADMINISTRATION

25. With the exception of rules and regulations making power, the Ministry may transfer all (or) any one of the other powers pertaining to farmland administration, to the department (or) farmland management body constituted under this Law by notification.
26. The Ministry may transfer power to the department (or) any one of the farmland management body constituted under this Law, to carry out the following matters: -
- (a) Authority to evict anyone whomsoever from farmland anyone summoned with respect to the use of farmland as stipulated in this law;

- (b) Authority to remove buildings built without permission of the concerned ministry on farmland (or) prescribed use of farmland without the permission of the concern Ministry;
 - (c) Other authority designated through regulations by the Ministry;
27. The Ministry may reserve any vacant, virgin land as may be deemed necessary for the State. After expiration of exemption period from assessment of land revenue, farmland permitted to be worked by the Central Committee for the Management of Vacant, Fallow and virgin land shall be considered as stable cultivated farmland under this Law.

CHAPTER XII.

PENALTIES

28. Anyone whomsoever that fails to comply with an eviction -order issued by the department (or) farmland management body , shall be sentenced with imprisonment for a term which may not exceed six months or with fine which may not exceed one hundred thousand kyats or with both.
29. Anyone whomsoever that opposes or fails to comply with an order issued in accordance with this law or a regulation issued under this Law or rules made under this Law, shall be sentenced with imprisonment for a term which may not exceeding six months or with fine which may not exceed one hundred thousand kyats or with both.
30. Anyone whomsoever obstructs any board member or government employee appointed or constituted under this Law in the course of performance of its or his duties, shall be sentenced with imprisonment for a term which may not exceeding six months or with fine which may not exceed one hundred thousand kyats or with both.

CHAPTER XIII.

GENERAL PROVISIONS

31. To undertake the provisions of this Law: -
- (a) The Ministry may issue the necessary rules and procedures relating to farmland management with approval of the Cabinet;
 - (b) The Department may issue necessary orders, directives and notifications with the approval of the Ministry;
32. The Land Nationalization Act, 1953 is hereby repealed by this Law. Where it is so repealed, anything done under the Land Nationalization Act, 1953 shall not be void. Pending issues come under the purview of this law.