

PROCEDURES CONFERRING THE RIGHT TO CULTIVATE LAND/ RIGHT TO UTILIZE LAND (1991)

The Government of the Union of Myanmar
The Central Committee for the Management of Culturable Land, Fallow Land and waste Land
Notification No. 1/91
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The Central Committee for the Management of Culturable Land, Fallow Land and waste Land, Government of the Union of Myanmar, with the approval of the Government prescribes the following procedures:-

CHAPTER (I)

Title and Definition

1. These procedures shall be called procedures conferring the right to cultivate land / right to utilize land for agricultural and livestock breeding purposes.

2. The following expressions contained in the procedures shall have the meanings given hereunder:

(a) Committee means The Central Committee for the Management of Culturable Land, Fallow Land and waste Land;

(b) Security Fees mean fees prescribed by the Committee payable by persons who are granted the right to cultivate land / right to utilize land in accordance with the type of enterprise;

(c) Forms mean the forms attached to these procedures.

CHAPTER (II)

Rights

3, The Central Committee for the Management of Culturable Land, Fellow Land and waste Land may grant to citizens for agricultural and livestock breeding purposes the right to cultivate / right to utilize culturable land, fallow land and waste land up to the extent mentioned below:-

(a) Agriculture

(i) Plantation Crops 5000 acres;

(ii) Orchard 3000 acres;

(iii) Seasonal Crops 1000 acres;

(b) Livestock, Poultry Farming and Aquaculture

(i) aquaculture 2000 acres;

(ii) Livestock and Poultry Farming

(aa) buffalo, cattle, horse, 5000 acres;

(bb) sheep, goat 1000 acres;

(cc) poultry, pig 500 acres.

4. If an application is submitted by organization consisting of foreigners for the right to cultivate / right to utilize land, the matter is to be referred to the Foreign Investment Commission.

CHAPTER (III)

Filing Application

5. Any organization or private person may apply to carry out agriculture and livestock breeding on culturable land, fallow land and waste land with investment, if in conformity with the following conditions:-

(a) an applicant shall be a citizen of the Union of Myanmar. All members of the organization shall be citizens of the Union of Myanmar. Such organization shall be constituted in accordance with the existing law. For organizations consisting of foreigners an application is to be submitted with the approval of the Foreign Investment Commission;

(b) a supporting document that a substantial investment for the enterprise can be provided shall be furnished with the application by an individual or organization;

(c) a work programme for implementing proposed work shall be submitted by an individual or organization in the application.

6. In applying for agriculture and livestock breeding on culturable land, fallow land and waste land, application shall be made to the secretary of the Committee, in the prescribed forms.

7. 2 copies of map, certified by the Department of Land Records concerned, shall be attached to the application in respect of the land applied for.

Note: If the land has no Holding Number, 2 copies of sketch map shall be attached to the application.

CHAPTER (IV)

Opening of Proceeding and Enquiry

8. On receiving an application, the Committee shall open proceeding and transfer the proceeding to the Settlements and Land Records Department concerned to call for objection and to carry out necessary enquiry.

9. On receipt of proceeding, the Settlements and Land Records Department shall notify in prescribed form soliciting objections if any, on the application to be made within 30 days from the date of notification.

10. If other applications are received in respect of the said land during the time allowed for objection, an enquiry shall be made for those applications together with the original application.

11. During the time allowed for objection, the Settlements and Land Records Department shall make a detail enquiry together with other related departments on the following matters:-

(a) whether the applicant or organization conforms to the conditions prescribed in above paragraph 5;

(b) detail facts about the land applied for such as whether it is actually a culturable land, fallow land or a waste land;

(c) whether the applicant or organization is really qualified and have ability to cultivate land / utilize land;

(d) whether the land applied for the proposed purpose of the enterprise is feasible and whether it is detrimental to other enterprises and environment.

12. If the Settlements and Land Records Department receive more than one application in respect of the same plot of land or a part of the same plot of land, an enquiry shall be made relating to matters mentioned in above paragraph 11 and a report with remarks shall be submitted to the Committee.

CHAPTER (V)

Resolution and Registration

13. The Committee shall on receipt of the proceeding submitted scrutinize the matter and make a resolution as to whether permission should be granted or not. Only after a deposit of 10% of the investment as security fees has been paid, an order permitting the right to cultivate / right to utilize the land shall be granted.

14. After the resolution, orders conferring the right to cultivate / right to utilize land shall be issued in prescribed form with conditions mentioned therein.

15. The Committee shall distribute certified copies of orders conferring right to cultivate / right to utilize land to respective departments and regional authorities.

CHAPTER (VI)

Exemption of Land Revenue and Income-tax

16. Lands, subject to develop / to utilize under investment shall be exempted from assessment of land revenue in the following manner:-

(a) Agriculture

(i) for plantation crops , up to 8 years including the commencement year;

(ii) for orchard, up to 6 years including the commencement year;

(iii) for seasonal crops, up to 3 years including the commencement year;

(b) Livestock, Poultry Farming and Aquaculture

(i) for aquaculture up to 3 years including the commencement year;

(ii) for land used for Livestock and Poultry Farming -

(aa) for buffalo, cattle and horse, up to 8 years including the commencement year;

(bb) for sheep , goat, up to 4 years including the commencement year;

(cc) for pig, up to 3 years including the commencement year;

(dd) for poultry, up to 2 years including the commencement year.

17. For any production or servicing enterprise carried out on lands developed under investment, at least 3 years income-tax exemption may be granted from the year of commencement, until commercial production or servicing stage is attained and if the enterprise is beneficial to the state, suitable tax-exemption or tax-relief for further suitable period may be extended in line with success made on investment.

CHAPTER (VII)

Conditions

18. The following conditions shall be complied with in respect of lands permitted to use under above-mentioned paragraph 13:-

- (a) the land granted shall be used for the purpose granted and not for any other purpose. If any change of cultivation or utilization is desired, prior approval shall be obtained;
- (b) the enterprise shall carry out on the land granted to cultivate / to utilize within the prescribed time;
- (c) land granted shall not be mortgaged, sold or otherwise transferred or divided without the permission of the Committee;
- (d) rents and taxes assessed by the State shall be paid;
- (e) after the right to cultivate land / right to utilize land is granted, if the enterprise programme is not carried out within the prescribed period, the security fees deposited shall be forfeited to the State.

CHAPTER (VIII)

Prescribing the Duration for right to cultivate land / right to utilize land

19. Prescribing the duration for right to cultivate land/right to utilize land with investment shall be as follows:-

- (a) for plantation crops and orchard, if there is no breach of prescribed condition, the duration for right to cultivate is thirty years from the year of grant;
- (b) for seasonal crops, duration for right to cultivate shall continue so long as there is no breach of conditions;
- (c) for aquaculture, if there is no breach of prescribed conditions, the duration for right to utilize, is thirty years from the year of grant;
- (d) for Livestock and Poultry farming, if there is no breach of prescribed conditions, the duration for right to utilize is thirty years from the year of grant.

CHAPTER (IX)

Disciplinary Measures

20. If respective departments, receive from the Committee a copy of the order granting the right to cultivate / right to utilize on cultivable land, fallow land and waste land under above mentioned paragraph 15, entries shall be made in its register, and supervision shall be made whether any prescribed conditions has been complied with, or not.

21. If any breach of condition is found by respective departments, a report for necessary action shall be submitted to the Committee.

CHAPTER (X)

Reporting

22. The respective departments shall submit Quarterly Report of Progress to the Committee on matters concerning right to cultivate / right to utilize land for permitted enterprises.

23. The Committee shall report to the Government half-yearly, on matters relating to management and progress of culturable land, fallow land and waste land.

CHAPTER (XI)

General

24. Economic enterprises affiliated to agriculture and livestock, poultry farming and aquaculture enterprises shall abide by existing laws and procedures.

sd/

(Chit Sue)

Lieutenant-General

Chairman

The Central Committee for the Management of Culturable land, Fallow Land and Waste Land.