

The Vacant, Fallow and Virgin Lands Management Law

(Pyidaungsu Hluttaw Law No.10 of 2012)

Day of 8th Waxing of Tagu 1373 ME

(30th March, 2012)

The Pyidaungsu Hluttaw enacted this Law.

CHAPTER I.

NAME AND DEFINITIONS

1. This Law shall be called the Vacant, Fallow and Virgin Lands Management Law.
2. The following expressions contained in this Law shall have the meaning given hereunder:-
 - (a) "Central Committee" means the Central Committee for the Management of Vacant, Fallow and Virgin Lands;
 - (b) "Ministry" means the Ministry of Agriculture and Irrigation;
 - (c) "Department" means the Settlement and Land Records Department;
 - (d) "Task Force" means the Task Force for the Management of Vacant, Fallow and Virgin Lands, has been formed by this Law;
 - (e) "Vacant land and Fallow land" means land which was done by the tenant before, and then that land was abandoned by the tenant in any reason, not only the State designated land but also for agriculture or livestock breeding purposes;
 - (f) "Virgin land" means land which may be new land or other wood land in which cultivation was never done before. It may have or not with forest, bamboo or bushes, even though ground feature may be plane or not ,and includes the land which has been cancelled legally from Reserved Forest, Grazing ground, and Fishery pond land respectively for Agriculture, Livestock Poultry Farming and Aquaculture, Mining, and Government allowable other purposes in line with law;
 - (g) "Security Fees" mean fees prescribed by this law, advance payable to one of the Union Government authorized bank in credit or collateral by persons who are granted the right to do land, right to utilize land in accordance with the type of enterprise;
 - (h) "Land Revenue" means land tax rate prescribed by the rule made under this law payable to the State by persons who are granted the right to do land, right to utilize land in accordance with the type of enterprise;
 - (i) "Perennial Plant" means plants grow in compact plantation to gain the benefit from plantation crop (or) perennial plant within a period of time in accordance with the type of the plant;

- (j) Orchard” means plants grow in either compact plantation or mixed cropping whether it’s no need for replanting as per harvest frequently until the plant is dead;
- (k) “Seasonal Crops” means crops grow within the growing season period, after harvest and getting income, It must be newly tillage operation and sown for further production;
- (l) “Mines Exploitation Enterprise” means as same as define in Section2, Sub-section (j) of the Myanmar Mine Law;
- (m) “Permission Order” means the order of permission has been granted by Central Committee in respect of application for granting right to do land, right to utilize land on Vacant, Fallow and Virgin Lands;

CHAPTER II

FORMATION OF VACANT, FALLOW AND VIRGIN LANDS MANAGEMENT CENTRAL COMMITTEE

- 3. The President may form:-
 - (a) the Central Committee for the Management of Vacant, Fallow and Virgin Lands, with the Union Minister for Agriculture and Irrigation appointed as a Chairman, Director-General of the Settlement and Land Records as Secretary and suitable persons of the concern government department and organizations , and other suitable persons as members, in order to ensure the management task concerning the use of Vacant, Fallow and Virgin Lands for State Economic Development in relation to commercial agriculture, livestock breeding, mining, and government allowable other purposes in line with law;
 - (b) the Central Committee constituted under the above paragraph (a), can be reconstituted when necessary;

CHAPTER III

RIGHT TO DO LAND, RIGHT TO UTILIZE LAND ON VACANT, FALLOW AND VIRGIN LANDS

- 4. The Central Committee shall permit the right to do, (and) right to utilize land of vacant, fallow and virgin land in the country, for the following purposes:-
 - (a) Agriculture;
 - (b) Livestock Poultry Farming and Aquaculture;
 - (c) Mining;
 - (d) Government allowable other purposes in line with law;
- 5. The following persons and organizations may apply to Central Committee in accordance with the prescribed conditions for carry out the purposes which are stated in Section 4:-

- (a) Myanmar citizen investors;
 - (b) Department, Government Organization, and Non Government Organizations;
 - (c) Exemption persons who are eligible in accordance with Section 4 of the Transfer of Immovable Property Restriction Law, 1987;
 - (d) Joint-Venture of Investors who have right to carry out with Department (and) Government' Organization in accordance with Foreign Investment Law;
 - (e) Joint-Venture of Investors who have right to carry out with Myanmar Citizen Investors , in accordance with Foreign Investment Law;
6. The Central Committee shall take the following necessary action in respect of on application matters which are in accordance with Section 5:-
- (a) to get the recommendation of the concern Region or State Government;
 - (b) to get the recommendation of the Ministry of Mines for mining, and other concern Ministry for other purposes prescribe in Section4, Sub-section (d);
 - (c) to coordinate with the Ministry of Environmental Conservation and Forestry ,and other concern Ministries for the prevention of damage and destruction to the Forest land which are Reserved Forest, and Protected Public Forest; and for conservation of natural regions, watershed area and natural fisheries;
 - (d) to submit the necessary suggestion relate to explore the National Land Use Policy to the Union Government;
7. The Central Committee shall permit the grant on application for granting right to do, right to utilize land of Vacant, Fallow and Virgin Lands with the agreement of Myanmar Investment Commission for foreign investment.
8. The Central Committee shall make permission or rejection of the systematic application in order to ensure the management task concerning the use of Vacant, Fallow and Virgin Lands.
9. In accordance with the Section 8,the Central Committee Shall issue the permission order, granting the right to do, right to utilize land of vacant, fallow and virgin lands, after security fees has been paid.

CHAPTER IV

CONDITIONS IN ACCORDANCE WITH RIGHT TO DO, RIGHT TO UTILIZE LAND OF VACANT, FALLOW AND VIRGIN LANDS

10. The Central committee shall permit the following land area of Vacant, Fallow and Virgin Lands in relation to commercial agriculture, and livestock breeding purposes:-
- (a) Agriculture
 - (1) In the case of Perennial Plant, not more than 5000 acres at a time and whenever cultivation is completed on 75 percent of the permitted acres, an additional not more than 5000 acres at a time up to a total of 50000 acres shall be permitted frequently.

- Actual cultivable acre more than 5000 acres at a time shall be permitted for the state interest with the agreement of the Cabinet of the Union Government;
- (2) In the case of Orchard, not exceed 3000 acres;
 - (3) In the case of Industrial Crop, not more than 5000 acres at a time and whenever cultivation is completed on 75 percent of the permitted acres, an additional not more than 5000 acres at a time up to a total of 50000 acres shall be permitted frequently. More than 5000 acres at a time shall be permitted for the state interest with the agreement of the Cabinet of the Union Government;
 - (4) In the case of rural farmer and a family who want to run manageable farm shall be allowed to use not exceed 50 acres by the permission of one of the respective local organization may be managed;
- (b) Livestock, Poultry Farming and Aquaculture
- (1) In case of Aquaculture, not exceed 1000 acres;
 - (2) In case of Livestock breeding and Poultry Farming
 - (aa) Livestock breeding for buffalo, cattle, horse, not exceed 2000 acres;
 - (bb) Livestock breeding for sheep, goat, not exceed 500 acres;
 - (cc) Poultry farming, pig, not exceed 300 acres;
 - (3) Animal husbandry not include in sub-section (1) and (2), suitable acres;
- (c) Mining purpose shall be permitted with the agreement and coordination with the Union Government of the Ministry of Mine;
- (d) Government allowable other purposes in line with law shall be permitted with the agreement and coordination with the Union Government of the relevant Ministry;
11. The Central Committee shall permit the following duration for right to use of Vacant, Fallow and Virgin Lands in relation to commercial agriculture, and livestock breeding purposes:-
- (a) Agriculture
 - (1) For perennial plants and orchard, the duration for right to use land is not exceed 30 years from the year of grant;
 - (2) For seasonal crops, the duration for right to use land shall continue so long as there is no breach of condition;
 - (b) For Livestock, Poultry Farming and Aquaculture, the duration for right to use land is not exceed 30 years from the year of grant;
 - (c) After expire the duration of right to use land in accordance with the above sub-section(a)(1) and sub-section(b), shall continue permission the duration base on type of work ,an additional years frequently up to a total of not exceed 30 years;
 - (d) For Mining purpose the duration of right to use land shall be permitted with the agreement and coordination with the Union Government of the Ministry of Mine;
 - (e) For Government allowable other purposes in line with law the duration of right to use land shall be permitted with the agreement and coordination with the Union Government of the relevant Ministry;

12. The Central Committee shall permit the right to use land in a case where application is made by Investors who have been permitted in accordance with Foreign Investment Law, or by Organizations consisting of Investors who have been permitted in accordance with Foreign Investment Law in areas in which land development operation are unable to be carried out by the citizens.

CHAPTER V

SECURITY FEES AND LAND REVENUE

13. The Central Committee may fix the security fees rate to the payable person who will get the permission right to use the vacant, fallow and virgin lands, depending upon the type of enterprise.
14. The Central Committee may fix the land revenue rate to be assessed and suitable period of tax-exemption for granting right to use the vacant, fallow and virgin lands, depending upon the type of enterprise and crop.
15. The Department shall be made in the following manner:-
 - (a) Assessment and collection of land revenue shall be made start from the expire date of tax-exemption period to the person who got the permission for granting right to use the vacant, fallow and virgin land depending upon the type of enterprise and crop;
 - (b) Supervision shall be made on payment of land revenue of person who got the permission for granting right to use the vacant, fallow and virgin lands;

CHAPTER VI

CONDITIONS SHALL BE COMPLIED BY PERSON WHO IS GRANTED THE RIGHT TO USE THE VACANT, FALLOW AND VIRGIN LANDS

16. Person who is granted the right to use the vacant, fallow and virgin lands shall be complied the following conditions:-
 - (a) The land granted shall be used for the purpose granted and in relation to economic enterprise;
 - (b) The enterprise shall carry out to be completed within four years from the date of grant according to the purpose granted. The prescribed period may be revised by the Central Committee for losing time due to natural disaster and unstable security conditions;
 - (c) Land granted shall not be mortgaged, giving, sold, leasing or otherwise transferred or divided without the permission of the Cabinet of the Union Government;
 - (d) Land revenue shall be paid fully for the land granted;

- (e) With respect to land granted the conditions prescribed by the Central Committee, shall be complied;
- (f) Except the purpose granted enterprise, exploring other natural resources below and above ground is prohibited;
- (g) If natural resources are found in the authorized land and the Government being desirous of extracting the same on a commercial basis resumes the area required therefrom, it shall be surrendered as directed by the Union Government;

CHAPTER VII

SUPERVISION

17. The Central Committee shall constitute and prescribed duties of the Task Force and Special Group in respective Region or State, for scrutinizing and co-ordinations with respect to submitted cases of right to use the vacant, fallow and virgin lands.
18. The Central Committee may form occasionally and appoint the Special Board with relevant Departments, to inspect whether the person who is granted right to use vacant, fallow and virgin land shall comply with or not the prescribed conditions to carry out the purpose granted.
19. The Central Committee shall resume the area required in the authorized land, if one of the following situation arises:-
 - (a) If ancient culture heritage are found in the authorized land;
 - (b) If infrastructure project or Special project are desired to be constructed on the authorized land, in the interest of the State;
 - (c) Except the permitted minerals, if other natural resources are found in the authorized land which are permitted for production of mining;
 - (d) If natural resources are found in the authorized land which are permitted for the purposes described in Section 4, Sub-section (a), (b), and (d);
20. For resuming the area required in the authorized land in accordance with the Section 19, the Central Committee will have to be undertaken in coordination with the department, organization concerned for getting the compensation within the prescribed period, calculated by current value to cover the actual investment cost of the legitimate owner, with the agreement of the Cabinet of the Union Government.
21. If the Central Committee found that the person who is granted right to use vacant, fallow and virgin lands, breach any condition of this law; the security fees deposited shall be forfeited to the State and, shall be revoked the right of land use.
22. The person and organizations who have granted the authorized land before this law is enacted, by the permission of the Central Committee for the Management of Vacant, Fallow and Virgin Lands shall be complied the following conditions:-
 - (a) Submit the complete record file to the Central Committee, attach with granted area, order issue date and serial number, the statement of actual cultivated area and remaining un-cultivate area with photo and document evidence;

- (b) Comply this law with respect to cultivated area of vacant, fallow and virgin lands;
- (c) It deem as the authorized lands which never reclaimed beyond the prescribed duration, have been revoked by the State;
- (d) If the Central Committee found that those persons who are granted such rights fail to adhere or violate the prescribed conditions or fail to fulfill their commitments during the prescribed time, the security fees deposited shall be forfeited to the State and, shall be revoked the right of land use;

CHAPTER VIII

GIVING HELP TO PERSONS WHO ARE GRANTED RIGHT TO USE OF VACANT, FALLOW AND VIRGIN LANDS

23. The Central Committee shall make the following matter:-
- (a) If the persons who are granted right to use vacant, fallow and virgin lands, contact and request for technical, good quality seeds and other assistance for carry out agriculture or Livestock breeding purposes, then the Central Committee shall take necessary action to help them;
 - (b) If the persons who are granted right to use vacant, fallow and virgin lands, request for getting loan of investment capital or the assistance of materials and services, then the Central Committee shall make necessary recommendation to the concern department and organization;
 - (c) If the persons who are granted right to use vacant, fallow and virgin lands, faced with huge amount of damage and loss by natural disaster like as cyclone, request for getting special loan to the State, then the Central Committee shall make necessary recommendation to the relevant Ministry;
24. The Central Committee shall refund the security fees to the persons who are granted right to use vacant, fallow and virgin lands, when the enterprise completed within the prescribed time and conditions.
25. The Central Committee shall make the following matter :-
- (a) When the person who is granted right to use of vacant, fallow and virgin land submit his suffering of dispute, disturbance, encroachment and destroying the benefits with the local farmers, in carrying out the work, the Central Committee shall make co-ordination with relevant department and organization at first, and if unable to coordinate it shall make in accordance with Law;
 - (b) The Central Committee shall make co-ordination depend on their desire of the local farmers, not to be lost. whether the existing farmland are included in the authorized area of which are not permitted officially, and ever since before growing by the local farmers;
 - (c) The Central Committee shall make in accordance with Law with the agreement of the both sides, if there is an authorized farmers in the authorized area before;

CHAPTER IX

OFFENCE AND PENALTIES

26. Anyone whomsoever that destroy the benefit with respect to immovable property on the authorized land , shall be sentenced with imprisonment for a term which may not exceeding three years or with fine which may not exceed one million kyats or with both.
27. Anyone whomsoever that encroach on the authorized land without the permission of the legitimate owner or his representative, shall be sentenced with imprisonment for a term which may not exceeding two years or with fine which may not exceed five hundred thousand kyats or with both.
28. Anyone whomsoever that obstructs the legitimate owner or the person who is working with the agreement of the legitimate owner in the course of their duties on the authorized land, shall be sentenced with imprisonment for a term which may not exceeding one year or with fine which may not exceed three hundred thousand kyats or with both.
29. Anyone whomsoever that fail to comply with an eviction-order on revoking the authorized land , shall be sentenced with imprisonment for a term which may not exceeding one year or with fine which may not exceed three hundred thousand kyats or with both.

CHAPTER X

GENERAL PROVISIONS

30. Offences in Chapter IX are cognizable offences.
31. The Central Committee have right to call for submitting the situation reports and work completion reports from those persons who are granted the right to use vacant, fallow and virgin lands, to be in line with prescribe conditions.
32. The Central Committee shall submit Half-Yearly Report to the Cabinet of the Union Government on matters concerning the Management of Vacant, Fallow and Virgin Lands. If policy matter happens, submitted systematically to the President for guidance.
33. The Central Committee is formed by this Law, shall handle and carry out the duties and rights of the Central Committee for the management of culturable land, fallow land and waste land which have been formed before this Law is enacted.
34. To undertake the provisions of this law:-

- (a) The Ministry may issue the necessary rules and regulations, with the approval of the Union Government;
- (b) The Ministry and the Central Committee may issue the necessary notifications, orders, directives and procedures;

I hereby signed in accordance with the Constitution of the Republic of the Union of Myanmar.

U Thein Sein

The President

The Republic of the Union of Myanmar