

**The Law Amending the Management of Vacant, Fallow and Virgin Land Law**

**(2018)**

**(The Pyidaungsu Hluttaw Law No.24, 2018)**

**The 2 nd Waxing Day of Tawthalin, 1380 M.E.**

**(11 September, 2018)**

The Pyidaungsu Hluttaw hereby enacts this law.

1. This Law shall be called the Law Amending the Management of Vacant, Fallow and Virgin Land Law, 2018.
2. In section 2 of the Management of Vacant, Fallow and Virgin Land Law:
  - (a) the expression "the Ministry of Agriculture and Irrigation" contained in 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 "Department of Agriculture Land Management and Statistics".
  - (c) sub-sections (d), (f) and (m) shall be substituted as follows:
    - "(d) Management Committee means the Region or State Management Committee on Vacant, Fallow and Virgin Land formed under this Law. This expression also includes the Union Territory Management Committee on Vacant, Fallow and Virgin Land.
    - (f) Virgin Land means wild land and wild forest land which are new lands that have never been cultivated whether on which trees, bamboos or bushes are growing, or whether the topography of the land is even geographically. This expression also includes the reserved forest land, grazing ground, and fishery land which have been revoked to carry out activities under this Law and which are not currently used.

- (m) Permit means the order permitting the right to cultivate or utilize the land issued by the Central Committee and the Management Committees with regard to the application for the right to cultivate or utilize vacant, fallow and virgin land in accordance with this law.

3. The title of Chapter II of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

**"Chapter II**

**Formation of the Central Committee for the Management of Vacant, Fallow and Virgin Land and the Management Committees"**

4. Sub-section (a) of section 3 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

- "(a) shall form the Central Committee for the Management of Vacant, Fallow and Virgin Land comprising the Union Minister of the Ministry of Agriculture, Livestock and Irrigation as the chairman, the Director General of the Department of Agricultural Land Management and Statistics as the secretary, suitable persons from relevant Government Department, Government Organizations and other suitable persons as members to use and carry out agriculture, livestock breeding, mineral production and other lawful businesses permitted by the Government by using the vacant, fallow and virgin Land effectively and properly for the economic development of the State and creation of job opportunities for local people and landless citizens."

5. After section 3 of the Management of Vacant, Fallow and Virgin Land Law, sub-section 3-A shall be inserted as follows:

"3 -A. The Central Committee:

- (a) shall form relevant Region or State and Union Territory Management Committees. In forming so, such committees shall comprise representatives of local ethnic groups, farmers, civil societies organizations and suitable experts.
- (b) may re-form the Management Committees formed under sub-section (a) as may be necessary.

6. The expression " investors permitted under the foreign investment law " contained in sub-section (d) and sub-section (e) of section 5 and section 12 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted by the expression "foreign investors who invest in accordance with the Myanmar Investment Law".

7. After sub-section (e ) of section 5 of the Management of Vacant, Fallow and Virgin Land Law , sub- section (f) shall be inserted as follows:

“ (f) Government Departments, Government Organizations and Non-Government Organizations that are responsible for landless citizens, smallholder farmers, or resettlement and rehabilitations tasks.”

8 . After section 5 of the Management of Vacant, Fallow and Virgin Land Law, section 5-A shall be inserted as follows:

“5-A. The landless citizens and smallholder farmers may apply to the relevant Management Committee in accordance with the stipulations, if they wish to obtain the right to cultivate or utilize vacant, fallow and virgin land within the State for agriculture, livestock breeding and related businesses.”

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

10. Sub- section (c) of section 6 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follow:

(c) "coordinate with the Ministry of Natural Resources and Environmental Conservation and other relevant Ministries to avoid deterioration of forest areas which are the reserved forests, and protected forests and to conserve natural lands, watershed areas, natural fisheries and archipelagoes."

11. Section 8 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

"8. The Central Committee may permit or refuse the business applied for the right to cultivate or utilize vacant, fallow and virgin land."

12. After section 8 of the Management of Vacant, Fallow and Virgin Land Law , section 8-A and section 8-B shall be inserted as follows:

- "8-A. (a) After scrutinizing the application for the right to cultivate or utilize vacant, fallow and virgin land in accordance with the stipulations, the relevant Management Committee may permit or refuse to use admissible areas within the specified period;
- (b) A person who is dissatisfied with the refusal of the Management Committee may appeal to the Central Committee within 60 days from the date on which such decision was made;
- (c) The Central Committee may approved, cancel, or revise the decision of the Management Committee."

8-B. The decision of the Central Committee under section 8 and sub- section (c) of section 8-A is final and conclusive."

13. Section 9 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

- "9. The Central Committee and the Management Committees shall issue a permit after causing to pay insurance premium when the right to cultivate or utilize vacant , fallow and virgin land is permitted under section 8 and section 8-A ."

14. The introduction, sub- sections (a) and (c) of section 10 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

- "10. The Central Committee shall permit the use of the vacant, fallow and virgin land for the following businesses only after inspecting whether there are people cultivating the land currently in accordance with law.

In permitting so:

- (a) it may permit more than 300 acres and not exceeding 3000 acres at a time for perennial trees , horticultural crops , industrial seasonal crops in the agricultural business. If 75 percent of the permitted acres have been fully cultivated, it may permit further cultivation not exceeding 3,000 acres at a time up to the total of 30,000 acres for a number of times. If it is the business which should be permitted for the interest of the State, it may permit more than 3,000 acres up to the total of 30,000 acres at a time which can be cultivated actually , with the approval of the Union Government;

- (c) it may permit in coordination with the Ministry of Natural Resources and Environmental Conservation of the Union Government for the mineral production business.

15. After section 10 of the Management of Vacant, Fallow and Virgin Land Law, section 10- A shall be inserted as follow:

"10-A. The relevant Management Committee shall permit the use of vacant, fallow and virgin lands for agriculture, livestock breeding and related businesses, only after inspecting whether there are people cultivating the land currently in accordance with law."

In permitting so:

- (a) It may permit up to 300 acres for perennial trees, horticultural crops, and industrial seasonal crops in the agricultural business. If 75 percent of the permitted acres have been fully cultivated, it may permit further cultivation not exceeding 300 acres at a time up to the total of 3,000 acres for a number of times.
- (b) It may permit not exceeding 50 acres for rural cultivators and persons who wish to carry out agriculture and livestock breeding on manageable family – sized scale."

16. The introduction, clause (i) of sub – section (a), and sub – section (b) of section 11 of the Management of Vacant, Fallow and Virgin Land Law shall be inserted as follows:

"11. In permitting to use vacant, fallow and virgin land for the following businesses, the Central Committee may, in respect of period, permit:

- (a) (i) not exceeding 30 years commencing from the date of permission for perennial trees and horticultural crops.
- (b) not exceeding 30 years commencing from the date of permission for livestock breeding."

17. After section 11 of the Management of Vacant, Fallow and Virgin Land Law, section 11-A shall be inserted as follows:

"11-A. In permitting to use vacant, fallow and virgin land for the following businesses, the appropriate Management Committee, in respect of period:

- (a) in agricultural business,
  - (i) may permit not exceeding 30 years commencing from the date of permission for perennial trees and horticultural crops.
  - (ii) shall permit as long as the stipulated terms and conditions are not violated for the seasonal crops;

- (b) may permit not exceeding 30 years commencing from the date of permission for rural cultivators and persons who wish to carry out agriculture and livestock breeding on manageable family-sized scale.
- (c) may, depending on the categories of businesses, permit the business to continue after the expiration of permitted period under clause (i) of sub-section (a) and sub-section (b), for a number of times not exceeding the total of 30 years."

18. The expression "the permitted land" contained in sub-section (b) of section 16 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted by the expression "permitted land".

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

"17. The Central Committee may assign duties to the relevant Management Committee and form specific bodies, in order to scrutinize and coordinate the submitted matters relating to the right to cultivate or utilize vacant, fallow and virgin land.

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

"22.(a) The persons or organizations that obtain the right to cultivate and utilize under the permit of the Central Committee for the Management of Vacant, fallow and Virgin Land before the enactment of this law:

- (i) shall submit to the Central Committee the records describing the areas of permitted vacant, fallow and virgin land, the date of issue and the letter number of permit together with sound evidence of the areas which have been actually reclaimed, cultivated and use and the remaining areas with photos;
- (ii) shall comply with and carry out in accordance with this law relating to vacant, fallow and virgin land which has been reclaimed, cultivated and used;

- (iii) shall acknowledge that the State has confiscated the permitted vacant, fallow and virgin land which are not reclaimed , cultivated and used over four years from the date of issue of permit;
  - (iv) shall acknowledge that insurance premium will be confiscated and the right to cultivate and utilize of vacant , fallow and virgin land will be revoked if they failed to do business on permitted land in accordance with the prescribed stipulations within four years from the date of issue of permit, or violate terms and conditions."
- (b) The persons or organizations cultivating and using vacant, fallow and virgin land without a permit of the Central Committee shall:
  - (i) apply for a permit to the Central Committee or the relevant Management Committee in accordance with stipulations, by describing the areas of vacant, fallow and virgin land and complete detailed information of such land which is being cultivated and used, within 6 months from the date on which the Law Amending the Management of Vacant, fallow and Virgin Land Law (2018) is enacted.
  - (ii) acknowledge that such vacant, fallow and virgin lands will be confiscated and they will be evicted from the lands in accordance with the prescribed means if they do not apply under clause (i) or do not obtain a permit despite applying for a permit.
  - (iii) shall have action taken against them under this law if they continue doing business on such vacant, fallow and virgin land without applying for a permit within specified period under clause (i) or without obeying the order issued by the Central Committee or the relevant Management Committee to leave such vacant, fallow and virgin lands, as the permit should not be granted.

21. In section 25 of the Management of Vacant, Fallow and Virgin Land Law:

(a) sub- section (c) shall be substituted as follows:

"(c) allow to proceed in accordance with law after obtaining consent of local cultivators who have been cultivating on the permitted vacant, fallow and virgin land area."

(b) After sub- section (c), sub- section (d) shall be inserted as follows:

"(d) amend the permit or pay appropriate compensation or damages depending on mutual agreement or submission in settling the disputes under sub-section (a), (b) and (c)."

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

"27. Whoever commits any of the following acts shall , on conviction, be punished with imprisonment for a term not exceeding two years or with a fine not exceeding five hundred thousand kyats or with both:

(a) squatting or allowing to squat or trespassing on and cultivating or allowing to trespass on and cultivate the vacant, fallow and virgin Land without a permit in accordance with this law;

(b) trespassing on and cultivating the vacant , fallow and virgin land without consent of a person who obtains the right to cultivate or utilize vacant, fallow and virgin lands, or of his representative under this law;"

23. After section 27 of the Management of Vacant, Fallow and Virgin Land Law, section 27-A shall be inserted as follows:

"27-A. Any person who use vacant, fallow and virgin land without a permit of the Central Committee violates the provisions contained in clause (iii) of sub-section (b) of section 22, shall, on conviction, be punished with imprisonment for a term not exceeding two years or with a fine not exceeding five hundred thousand kyats or with both."



24. Section 28 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

"28. Whoever obstructs any operation of businesses carried out by a person who obtains the right to cultivate or utilize vacant, fallow and virgin land, or by a person under the permission of the aforesaid person in accordance with this law shall, on conviction, be punished with imprisonment for a term not exceeding six months or with a fine not exceeding one hundred thousand kyats or with both."

25. After section 29 of the Management of Vacant, Fallow and Virgin Land Law, section 29-A shall be inserted as follows:

"29-A. Any person who obtains the right to cultivate or use vacant, fallow and virgin land:

(a) violates terms and conditions contained in sub-section (c) of section 16 shall, on conviction, be punished with imprisonment for a term not exceeding two years or with a fine not exceeding one million kyats or with both.

(b) violates terms and conditions contained in sub-section (f) of section 16, shall, on conviction, be punished with imprisonment for a term not exceeding seven years and also with a fine."

26. After section 30 of the Management of Vacant, fallow and Virgin Land Law, section 30-A shall be inserted as follows:

"30-A. The management of the following land shall not be applied to this Law:

- (a) the land on which hillside cultivation is permitted in accordance with the existing laws and regulations;
- (b) certain lands designated under traditional culture and custom of local ethnic groups;
- (c) land currently used for religions, social affairs, education, health and transportation for the benefit of the public and national race."

27. Section 33 of the Management of Vacant, Fallow and Virgin Land Law shall be substituted as follows:

- "33. (a) The central committee shall succeed to duties and powers of the Central body for the management of vacant, fallow and virgin land formed before the enactment of this law, which are not contrary to this law.
- (b) Rules, regulations, bye – laws, notifications, orders, directives and procedures issued for the management of vacant , fallow and virgin land shall be in force as long as they are not contrary to this law.

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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**