

The Law Amending the Farmland Law
(The Pyidaungsu Hluttaw Law No. 2, 2020)
The 6th Waning Day of Tabodwe, 1381 M.E.
(14 February 2020)

The Pyidaungsu Hluttaw hereby enacts this Law.

1. This Law shall be called **the Law Amending the Farmland Law**.
2. The expression “Region or State Administrative Body of the Farmland” in the Farmland Law shall be substituted by the expression “Region or State, or Nay Pyi Taw Administrative Body of Farmland” respectively.
3. In section 3 of the Farmland Law,
 - (a) Sub-section (a) shall be substituted as follows:

“(a) **Farmland** means land considered as low land (Paddy land), upland (Ya), silty land (Kaing Kyun), hill side cultivation land (Taungyar), perennial crops land, nipa palm land (Dhani), garden land, horticultural land, alluvial land or shifting cultivation land. In this expression, housings, religious buildings and precincts, and communal land which are not used for agriculture within town boundary and village boundary are not included.”
 - (b) Sub-section (c) shall be substituted as follows:

“(c) **Alluvial Land** means non-permanent land that usually submerges and location, area, soil texture and structure of which may alter by water current.”
 - (c) After sub-section (c), sub-sections (d) and (e) shall be inserted as follows:

“(d) **Silty Land (Kaing Kyun)** means permanent land that usually submerges but location, area, soil texture and structure of which do not alter by water current.

(e) **Shifting Cultivation Land** means agricultural land from hill, hillside and highland which is cleared of trees and shrubs and cultivated temporarily in rotational fallow system.”
 - (d) Sub-sections (d), (e), (f), (g), (h) and (i) shall be renumbered as sub-sections (f), (g), (h), (i), (j) and (k).

- (e) The renumbered sub-section (g) shall be substituted as follows:
- “(g) **Farmer** means a person who corresponds with any of the following facts:
- (i) a person who carries out or who had been carrying out by oneself the agricultural business or livestock breeding or both as his/ her main source of livelihood by using the land or another way;
 - (ii) a person who supervises by oneself the agricultural business, or agricultural business and livestock breeding as his/ her main source of livelihood throughout the period of doing business by using the land in respective year;
 - (iii) a person who carries out by oneself or who supervises the business relating to the production of seasonal crops, horticultural crops, perennial crops, or livestock breeding for commercial purpose with his/ her own capital throughout the period of doing business by using the land or another way;
 - (iv) a person who engages in agricultural business or livestock breeding by using the land or another way;
 - (v) a person who produces and sells seedlings, seeds, breeds or offsprings by oneself by using the land or another way for agricultural business, livestock breeding or related businesses;
- (f) Sub-section (j) shall be substituted as sub-section (l) as follows:
- “(l) **Farmer organization** means an organization formed with farmers in accordance with any law passed to protect the rights and interests of farmers.”
- (g) Sub-section (k) shall be substituted as sub-section (m) as follows:
- “(m) **Ministry** means the Ministry of Agriculture, Livestock and Irrigation, the Union Government.”
- (h) Sub-section (l) shall be substituted as sub-section (n) as follows:
- “(n) **Department** means the Department of Agricultural Land Management and Statistics.”

4. Clause (ii) of sub-section (a) of section 7 of the Farmland Law shall be substituted as follows:

“(a) (ii) he/ she shall reside in the relevant ward or village tract if there is no special reason. Landless persons residing in such land shall be prioritized.”

5. Sub-sections (a) and (e) of section 9 of the Farmland Law shall be substituted as follows:

“(a) right to possess the farmland, right to use the farmland, right to make changes in the cultivation of seasonal crops, right to enjoy the benefit of such rights;

(e) right to enter into joint venture with the Government or an organization or association recognized by the Government or with the private investors for agricultural development of the farmland;”

6. Section 10 of the Farmland Law shall be substituted as follows:

“10. The provisions of sections 4, 5, 6, 7, 8 and 9 of this Law shall not apply to the granting of right to use the alluvial land, and shifting cultivation.”

7. Section 11 of the Farmland Law shall be substituted as follows:

“11. The provisions for the granting of right to use the alluvial land, and shifting cultivation shall be made in the rule issued under this Law. Provided that, the granting of right to use the alluvial land shall be based on the administrative area.”

8. In section 12 of the Farmland Law:

(a) the expression “levied by the Ministry” in sub-section (b) shall be substituted by the expression “levied under any existing law”;

(b) the expression “the stamp duty and registration fees for the contract stipulated by the Department” in sub-section (c) shall be substituted by the expression “the stamp duty charged under existing law in accordance with the value stipulated by the Township Administrative Body of Farmland and the deed registration fee as stipulated by the Department”;

(c) sub-section (f) shall be deleted;

(d) sub-sections (g), (h), (i) and (j) shall be renumbered as subsections (f), (g), (h) and (i) and the renumbered sub-sections (g) and (h) shall be substituted as follows:

“(g) shall not make changes in the cultivation of seasonal crops to another category of crops without permission;

(h) shall not leave the farmland fallow without sufficient reason. However, if there is any reason for the farmland to be left fallow, it shall be reported to the Township Administrative Body of Farmland through the Ward or Village Tract Administrative Body of Farmland in the area where such land is located. Such land shall not be left fallow for more than two consecutive years except for shifting cultivation land.”

9. Section 13 of the Farmland Law shall be substituted as follows:

“13. Whoever concerned with the farmland shall obey the order made by the various levels of the relevant Administrative Body of Farmland in accordance with the Law.”

10. Section 14 of the Farmland Law shall be substituted as follows:

“14. No one shall directly or indirectly sell, mortgage, lease, exchange, or gift the right to use the farmland in whole or part to or with any foreigner or any organization in which the foreigner is included, without permission of the Union Government.”

11. The expressions “the Ministry of Agriculture and Irrigation” and “the Department of Settlement and Land Records” in sub-section (a) of section 15 of the Farmland Law shall be substituted by the expressions “the Ministry of Agriculture, Livestock and Irrigation” and “the Department of Agricultural Land Management and Statistics” respectively.

12. After sub-section (b) of section 16 of the Farmland Law, sub-sections (c) and (d) shall be inserted as follows:

“(c) shall form the Township Administrative Body of Farmland with five representatives of Farmers.

(d) shall form the Ward or Village Tract Administrative Body of Farmland with two elders of the community and three representatives of farmers selected by local Farmers.”

13. Sub-sections (a), (d), (f), (h), (i) and (j) of section 17 of the Farmland Law shall be substituted as follows:

- “(a) prescribing duties and powers of the various levels of Region or State, Nay Pyi Taw, District, Township and Ward or Village Tract Administrative Body of Farmland;
- (d) revoking the right to use the farmland of a person who is subject to administrative action in sub-sections (c) and (d) of section 19, cancelling the right to use the farmland in another way under section 31 and revoking the right to use the farmland of a person who is convicted under section 37;
- (f) scrutinizing and confirming the submissions of the Region or State, or Nay Pyi Taw Administrative Body of Farmland with regard to use the farmland for schools, stadiums, village access roads, health care centres, hospitals, dispensaries, libraries, village markets, cemeteries and other required buildings relating to the development of living standard of people in rural area;
- (h) scrutinizing and confirming the submissions of the Region or State, or Nay Pyi Taw Administrative Body of Farmland with regard to use the farmland for preparing it and digging watercourses in order to change from manual to mechanized agriculture for the development of agricultural sector;
- (i) developing policies on granting the right to use the alluvial land and the rights of persons who obtain such right;
- (j) formulating principles, guiding and supervising with regard to shifting cultivation;”

14. The expression “may empower the appropriate Administrative Body of Farmland” in section 18 of the Farmland Law shall be substituted by the expression “shall empower the relevant Township Administrative Body of Farmland”.

15. The introduction of section 19 of the Farmland Law shall be substituted as follows:

- “19. If any person fails to comply with all or any terms and conditions under section 12 of this Law, the relevant Township Administrative Body of Farmland may pass one or more of the following orders after

inspecting it in accordance with this Law and rules issued under this Law:”.

16. Section 20 of the Farmland Law shall be substituted as follows:

“20.(a) If any person who has the right to use the farmland fails to obey the order passed under section 19, the Township Administrative Body of Farmland or a person assigned by such Body may directly complain to the relevant court after the stipulated date in such order;

(b) If any person fails to obey the order passed under section 13, the relevant Administrative Body of Farmland or a person assigned by such Body may directly complain to the relevant court after the stipulated date in such order.”

17. Section 21 of the Farmland Law shall be substituted as follows:

“21. If a person who has the right to use the farmland fails to pay taxes levied under any existing law, these taxes shall be recovered as arrears of land revenue in accordance with law.”

18. After section 25 of the Farmland Law, section 25-A shall be inserted as follows:

“25-A.The various levels of Administrative Body of Farmland shall give the order or decision relating to disputes over the right to use the farmland to the disputants with reasons within seven days from the date of the order or decision.”

19. Section 26 of the Farmland Law shall be substituted as follows:

“26. The Central Administrative Body of Farmland shall, when confiscating the farmland for the interests of the State or public, ensure that the interests of the person who has the original right to use the farmland is not harmed, and it shall deal with the matters relating to the confiscated land, improvement by buildings and other improvements on such land made by such person, in accordance with the relevant existing law.”

20. The expression “under sub-section (d) of section 17” in section 27 of the Farmland Law shall be substituted by the expression “under sub-section (c) and (d) of section 19, or section 37”.

21. In section 28 of the Farmland Law,

- (a) the introduction shall be substituted as follows:

“28. Relating to an application to make changes in the cultivation of seasonal crops to another category of crops:”
- (b) After the expression “in low land” in sub-section (a), the expression “from seasonal crops” shall be inserted.
- (c) sub-section (b) shall be substituted as follows:

“(b) The Region or State, or Nay Pyi Taw Administrative Body of Farmland may, after scrutinizing the applications in accordance with the stipulations, permit to make changes in the cultivation of seasonal crops to another category of crops in the farmland except low land.”

22. The expression “shall confiscate such farmland” in section 31 of the Farmland Law shall be substituted by the expression “shall cancel the permission to use such farmland in another way.”

23. Section 32 of the Farmland Law shall be substituted as follows:

- “32. In confiscating the farmland for projects in the interests of the State and public, only the required minimum area shall be confiscated in accordance with the relevant existing law.”

24. Section 35 of the Farmland Law shall be substituted as follows:

- “35. Whoever fails to obey the order passed under section 19 or the order or decision relating to the dispute over the right to use the farmland under this Law shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of two years or with a fine from a minimum of three hundred thousand kyats to a maximum of five hundred thousand kyats or with both.”

25. Section 37 of the Farmland Law shall be substituted as follows:

- “37. Whoever violates any prohibitions in section 14 shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of three years or with a fine not less than one million kyats or with both. Moreover, money and assets involved in the offence shall be confiscated.”

26. After section 37 of the Farmland Law, section 37-A shall be substituted as follows:

“37-A. Whoever encroaches on farmland without having the right to use the farmland under this Law, or on the farmland of any person or any organization that has the right to use in accordance with this Law shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of two years or with a fine for a minimum of three hundred thousand kyats to a maximum of five hundred thousand kyats or with both.”

27. The expression “The farmer organization may be formed” in section 38 of the Farmland Law shall be substituted by the expression “The farmer organization may be formed with farmers”.

28. Section 40 of the Farmland Law shall be deleted.

29. Sections 41 and 42 of the Farmland Law shall be renumbered as sections 40 and 41 and the renumbered section 40 shall be substituted as follows:

“40. The offences in sections 37 and 37-A are recognized as cognizable offences.”

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