

Government of the Republic of the Union of Myanmar

Ministry of Agriculture, Livestock And Irrigation

Notification No. 324/2021

The 7th Waxing Day of Thadinkyut, 1383 M.E.

(12th October, 2021)

In exercise of the power conferred under subsection (a) of section 34 of the Vacant, Fallow and Virgin Lands Management Law, the Ministry of Agriculture, Livestock and Irrigation hereby issues the following rules with the approval of the Union Government.

Chapter I

Title and Definition

1. These rules shall be called the Vacant, Fallow and Virgin Lands Management Rules.
2. The expressions contained in these rules shall have the meanings as defined in the Vacant, Fallow and Virgin Lands Management Law. In addition the following expressions shall have the meanings given below:
 - (a) Law means the Vacant, Fallow and Virgin Lands Management Law;
 - (b) Specific body means the body formed by the Central Committee to inspect the submitted matters in respect of the right to cultivate or utilize vacant, fallow and virgin lands as per Region or State, Union Territory;
 - (c) Special body means the body formed occasionally by the Central Committee to inspect whether or not the person who has the right to cultivate or utilize vacant, fallow and virgin lands is conducting the business according to the stipulated conditions;
 - (d) Form means the form specified in these rules.

Chapter II

**Formation of the Management Committee of Vacant,
Fallow and Virgin Lands**

3. According to section 3-A of the Law, the Central Committee shall establish the relevant Management Committees and assign duties and functions.

Chapter III
Right to Cultivate or Utilize Vacant,
Fallow and Virgin Lands

4. The following persons and organizations that desire to conduct agricultural business, livestock breeding business, minerals production and other lawful business permitted by the government on the vacant, fallow and virgin lands can apply to the Central Committee or the relevant Management Committee in accordance with the stipulations:

- (a) Myanmar citizen investors;
- (b) Government departments, Government organizations and Non-Government organizations;
- (c) The foreign diplomatic organizations which are having diplomatic relations with the State, United Nations organizations, any other organizations or persons who are exempted by the relevant ministry according to the section 14 of the Transfer of Immovable Property Restriction Law, 1987;
- (d) Foreign investors, who will conduct on the businesses of mutual benefit with any Government department or organization to invest in accordance with the Myanmar Investment Law;
- (e) Foreign investors, who will conduct on the businesses of mutual benefit with investors of Myanmar citizen to invest in accordance with the Myanmar Investment Law;
- (f) Foreign investors or organizations that include foreign investors who invest in accordance with the Myanmar Investment Law;
- (g) Government Departments, Government Organizations and Non-Government Organizations those are responsible for landless citizens, smallholder farmers, or resettlement and rehabilitations tasks;
- (h) Landless citizens, smallholder farmers and the persons who want to work family-sized scale.

5. In applying for access to the right to cultivate or utilize vacant, fallow and virgin lands under rule 4:

- (a) The person or organizations that want to conduct, agriculture business above 300 acres; livestock breeding above 50 acres; mineral production and other lawful businesses permitted by the Government shall apply to the Central Committee;
- (b) The person or organizations that want to conduct, agricultural business not exceeding 300 acres; livestock breeding and related business not exceeding 50 acres shall apply to the relevant Management Committee in accordance with the stipulations;
- (c) The landless citizens and smallholder farmers who want to conduct, agricultural business, livestock breeding and related businesses shall apply to the relevant Management Committee in accordance with the stipulations.

6. In applying for access to the right to cultivate or utilize vacant, fallow and virgin lands, the following forms shall be used:

- (a) Application (form-1) for access to the right to cultivate Seasonal crops, Industrial seasonal crops, Perennial plants, Orchard;
- (b) Application (form-2) for livestock breeding business;
- (c) Application (form-3) for minerals production business;
- (d) Application (form-4) for other lawful businesses permitted by the Government.

7. In applying under rule 6, any one of the following maps issued by the relevant Township Department Office shall be attached to the application:

- (a) Two certified copies of updated Kwin map if the region has Kwin map;
- (b) Two sketch maps describing location index drawn by One Inch map or 1:50000 scale, if the region has no Kwin map.

8. When receiving the application forms for the right to cultivate or utilize vacant, fallow and virgin lands under subrule (a) of rule 5, the Central Committee may record the facts in Application in Register Form (5) and send that application to the relevant Management Committee to inspect and submit it.

9. The relevant Management Committee shall send the application forms for the right to cultivate or utilize vacant, fallow and virgin lands under rule 8, to the relevant Region or State Department Office or Nay Pyi Taw Department Office to inspect and submit them.

10. When receiving the application forms for the right to cultivate or utilize vacant, fallow and virgin lands under sub rules (b) and (c) of rule 5, the relevant Management Committee may record the facts in Application in Register Form (5) and send that application to the relevant Region or State Department Office or Nay Pyi Taw Department Office to inspect and submit it.

11. The Region or State Department Office or Nay Pyi Taw Department Office shall send the application forms for the right to cultivate or utilize vacant, fallow and virgin lands under rules 9 and 10, to the relevant Township Department Office through the relevant District Department Office to inspect it.

12. When the Township Department Office receives the application sent under rule 11, it shall:

- (a) record the facts regarding with the application for the right to cultivate or utilize vacant, fallow and virgin lands in Application Register Form (5);
- (b) open the proceeding on the date of receiving the application, and announce ~~in~~ Form (6) issued in order to object by presenting the reliable evidence if there is a person who wants to object;
- (c) stick the notified Form (6) issued for objection at the relevant Region or State Department Office or Nay Pyi Taw Department Office, District Department Office, Township Administration Office, Township Department Office and Ward or Village Tract Administrator Office where the vacant, fallow and virgin lands are located.
- (d) in announcing under sub section (b), mention that the objection shall be made within 30 days from the date of announcement.

13. The Township Department Office shall scrutinize the application by inspection Form (7) for the right to cultivate or utilize vacant, fallow and virgin lands, within announcement period of objection under subrule (b) of rule 12.

14. Regarding the competitive applications of more than one person or one organization in the land area applied within 30 days from the date of applications are scrutinized and received by the Central Committee or the relevant Management Committee in accordance with the specifications:

- (a) the Township Department Office may completely record the competitive application in inspection Form (7) for the right to cultivate or utilize vacant, fallow and virgin lands.
- (b) after recording under subrule (a):
 - (i) the Township Department Office shall scrutinize the evidence presented with the competitive applications and describe the findings in the proceedings and present them to the relevant District Department Office;
 - (ii) when the District Office receives the proceedings of competitive applications under subrule (i), it shall scrutinize the proceedings and present them to the relevant Region or State Department Office or Nay Pyi Taw Department Office, if it is complete;
 - (iii) when the relevant Region or State Department Office or Nay Pyi Taw Department Office receives the proceedings of competitive applications under subrule (ii), it shall scrutinize the proceedings and present to the relevant Management Committee;
- (c) regarding the applied businesses under rule 5, the relevant Management Committee shall present them to the Central Committee to establish a Specific body to scrutinize the applications of more than one person or one organization;
- (d) when the Central Committee receives a submission under sub rule (c), it shall form a Specific body by a meeting decision;

- (e) when the Specific body formed by the Central Committee receives the notification assigning the task, it shall:
 - (i) visit and inspect the place where the vacant, fallow and virgin lands are located;
 - (ii) examine the competitive applicants;
 - (iii) present the findings to the relevant Management Committee with remarks and photographic evidence.

15. If there is any objection regarding the application for the right to cultivate or utilize vacant, fallow and virgin lands:

- (a) regarding that objection:
 - (i) the Township Department Office shall scrutinize the evidence presented with the competitive applications and describe the findings in the proceedings and present to the relevant District Department Office;
 - (ii) When the District Office receives the proceeding, it shall scrutinize the proceeding and present to the relevant Region or State Department Office or Nay Pyi Taw Department Office, if it is complete;
 - (iii) when the relevant Region or State Department Office or Nay Pyi Taw Department Office receives the proceeding, it shall scrutinize the proceeding and present it to the relevant Management Committee;
- (b) when receiving the proceeding under clause (iii) of sub rule (a), the relevant Management Committee shall present to the Central Committee to establish a Specific Body to scrutinize the objections regarding the applied businesses under rule 5;
- (c) when the Central Committee receives the submission under subrule (b), it shall establish a specific Body by meeting decision;
- (d) when the Specific Body established by the Central Committee receives the notification assigning the task, it shall visit and inspect the place where the vacant, fallow and virgin lands are located and present the findings to the relevant Management Committee with remarks and photographic evidence.

16. Regarding the right to cultivate or utilize vacant, fallow and virgin lands, if there is no objection during the specified period :

- (a) the Township Department Office shall present it to the relevant District Department Office by describing the findings in the proceeding regarding the application;
- (b) the District Department Office shall scrutinize the received proceeding and present it to the relevant Region or State Department Office or Nay Pyi Taw Department Office, if it is complete;
- (c) the relevant Region or State Department Office or Nay Pyi Taw Department Office shall scrutinize the received proceeding and present it to the relevant Management Committee with remarks.

17. After receiving of the proceeding, according to subrule (e) of rule 14, subrule (d) of rule 15 and subrule (c) of rule 16, the relevant Management Committee shall inspect **it** and record the report on the findings in Form (8), and shall keep itself the origin and attach the copy to the relevant proceeding.

18. The relevant Management Committee:

- (a) after complying with rule 17, shall send the proceeding applied back to the Central Committee according to subrule (a) of rule 5 ;
- (b) regarding the application under subrules (b) and (c) of rule 5, may permit or refuse it;

19. (a) After scrutinizing the application for the right to cultivate or utilize vacant, fallow and virgin lands by complying with the stipulations, the relevant Management Committee may permit or refuse to use admissible areas within the specified period.

(b) A person who dissatisfies with the refusal decision of the Management Committee may appeal to the Central Committee within 60 days from the date of such decision.

(c) The Central Committee may confirm, set aside or revise the decision of the Management Committee.

20. When the Central Committee receives the proceeding returned by the relevant Management Committee under subrule (a) of rule 18, it shall:

- (a) obtain the remark of Nay Pyi Taw Council or the relevant Region or State Government.
- (b) request the remark from the relevant Ministry for each business.
- (c) coordinate with the Ministry of Natural Resources and Environmental Conservation and other relevant Ministries regarding subsection (c) of section 6.
- (d) obtain the approval of the Myanmar Investment Commission, if the business applies for making foreign investment.

21. (a) When the Central Committee receives the remark and approval under rule 20, shall permit or refuse to the cultivate or utilize vacant, fallow and virgin lands after scrutinizing the proceeding.

- (b) The decision of the Central Committee is final and conclusive.

22. The Central Committee, after complying with rule 21, shall:

- (a) register the persons who has the right to cultivate or utilize the vacant, fallow and virgin lands in order to pay the Security fees to the Myanmar Agricultural Development Bank in the nearest Township where the land is located and record in Register Form (9) of the registration list of the persons who have the right to cultivate or utilize the vacant, fallow and virgin lands.
- (b) record the persons whose applications are refused in Register Form (10) of the list of the persons who are refused the right to cultivate or utilize the vacant, fallow and virgin lands.
- (c) inform the persons who are refused the right to cultivate or utilize the vacant, fallow and virgin lands by Form (16) of the refusal letter.

23. When the relevant Management Committee after complying with subrule (b) of rule 18, it shall:

- (a) direct the person who has the right to cultivate or utilize the vacant, fallow and virgin lands in order to pay the Security fees to the Myanmar Agricultural Development Bank in the nearest Township where the land is

located and record in Register Form (9) of the registration list of the persons who have the right to cultivate or utilize the vacant, fallow and virgin lands.

- (b) record the persons who refused regarding with the application in Register Form (10) of the refusing list of the right to cultivate or utilize the vacant, fallow and virgin lands.

24. The Central Committee shall issue the permit to the person who has the right to cultivate or utilize the vacant, fallow and virgin lands by the following relevant form according to the types of businesses:

- (a) The permit for cultivation of Seasonal Crops; Industrial Seasonal Crops (Form-11)
- (b) The permit for cultivation of Perennial Plants, Orchard (Form-12)
- (c) The permit for livestock breeding business (Form-13)
- (d) The permit for mineral production business (Form-14)
- (e) The permit for other lawful businesses authorized by the Government (Form-15)

25. The relevant Management Committee, under subrule (b) of rule 18, shall issue the permit to the person who has the right to cultivate or utilize the vacant, fallow and virgin lands under by the following relevant form according to the types of businesses:

- (a) The permit for cultivation of Seasonal Crops; Industrial Seasonal Crops (Form-11 A)
- (b) The permit for cultivation of Perennial plants, Orchard (Form-12 A)
- (c) The permit for livestock breeding business (Form-13 A)

26. (a) The relevant Management Committee shall inform the person who is refused the right to cultivate or utilize the vacant, fallow and virgin lands by Form (16-A) of refusal letter.

- (b) A person who dissatisfies with the refusal decision of the relevant Management Committee may appeal to the Central Committee within 60 days from the date of such decision.

27. A person who dissatisfies with the decision of the relevant Management Committee may appeal to the Central Committee within 60 days with the specified appeal application form (17) together with a copy of the refusal letter.

28. The Central Committee:

- (a) shall ask for the proceeding in which the refusal decision is made to the relevant Management Committee when receiving the appeal submitted within the specified period;
- (b) when receiving the proceeding sent by the relevant Management Committee, shall present and discuss it at upcoming meeting of Central Committee, and may scrutinize it according to the decision of meeting depending on the case of refusing of the relevant Management Committee. If it is necessary, it may scrutinize the appeal by forming a Specific body.
- (c) according to the subrule (a) and (b), shall confirm, set aside or revise the decision after scrutinizing and shall inform the relevant Management Committee and the appellant of its decision.

29. The Central Committee, under rule 4, with regarding the applications for the right to cultivate or utilize the vacant, fallow and virgin lands, shall open the proceeding and carry out it according to these rules.

30. The Central Committee, under rule 24, when issuing the permit of the right to cultivate or utilize the vacant, fallow and virgin lands, shall send a copy, of the permit to the relevant Management Committee, and the Township Department Office where the land is located through the relevant Region or State Department Office or Nay Pyi Taw Department Office, in order to record in Register Form (9) of the registration list the register of the person who has the right to cultivate or utilize the vacant, fallow and virgin lands.

31. The relevant Management Committee under rule 25, when issuing the permit of the right to cultivate or utilize the vacant, fallow and virgin lands, shall send a copy of the permit to the Central Committee, and the Township Department Office where the land is located through the relevant Region or State Department Office or Nay Pyi Taw Department Office, in order to record in Register Form (9) of the registration list the register of the person who has the right to cultivate or utilize the vacant, fallow and virgin lands.

32. According to the subrules (a) and (b) of rule 24, if the person who has the right to cultivate or utilize the vacant, fallow and virgin lands, after 75 percent of the permitted area have been fully cultivated wants to expand cultivation, they shall apply to the Central Committee by application form (1-A) for Perennial plant, Orchard, Seasonal Crop, Industrial Seasonal Crop.

33. According to the subrules (a) and (b) of rule 25, if the person who has the right to cultivate or utilize the vacant, fallow and virgin lands, after 75 percent of the permitted area have been fully cultivated, wants to expand cultivation, they shall apply to the relevant Management Committee by application form (1-b) for Perennial plant, Orchard, Seasonal Crop, Industrial Seasonal Crop.

34. The Central Committee shall scrutinize the applications under rule 32 and proceed according to these rules.

35. The relevant Management Committee shall scrutinize the applications under rule 33 and proceed according to these rules.

Chapter IV

Stipulations Relating to the Right to Cultivate or Utilize Vacant, Fallow and Virgin Lands

36. The Central Committee, upon the application under rule 32, may permit the areas in subsection (a) of the section 10 again with the field inspection approval of the relevant Management Committee.

37. When the Central Committee is permitting for the mineral production business on vacant, fallow and virgin land, it obtain the remark of the Nay Pyi Taw Council or Region or State Government with the scrutinization of the relevant Management Committee in regards of land areas, and may permit in coordination with the Ministry of Natural Resources and Environmental Conservation.

38. The Central Committee, upon the application under rule 33, may permit the areas in sub section (a) of the section 10-A again with the field inspection approval of the relevant Management Committee.

39. Regarding land Cultivation or Utilization for livestock breeding on vacant, fallow and virgin lands, the relevant Management Committee may permit not exceeding 50 acres with the approval of the relevant Nay Pyi Taw Council or Region or State Government.

40. In respect of the period for the use of vacant, fallow and virgin land for the agricultural business, and livestock breeding, the Central Committee or the relevant Management Committee may:

- (a) in the case of agricultural business,
 - (i) permit not exceeding 30 years commencing from the date of permission for perennial trees and horticultural crops;
 - (ii) permit so long as there is no breach of the stipulated terms and conditions for Seasonal Crops, Industrial Seasonal Crops;
- (b) permit not exceeding 30 years commencing from the date of permission for livestock breeding.
- (c) permit for a number of times not exceeding the total of 30 years to continue the business after the expiration of permitted period under clause (i) of subrule (a) and subrule (b).

41. In respect of the period for the use of vacant, fallow and virgin land for the mineral production business and other lawful businesses permitted by the Government, the Central Committee may:

- (a) permit the period stipulated for the mineral production business by the Myanmar Mines Law in coordination with the Ministry of Natural Resources and Environmental Conservation.
- (b) permit for other lawful businesses permitted by the Government in coordination with the respective Ministry of the Union Government.

42. The Central Committee may proceed as follow if it finds that the person who has the right to cultivate or utilize vacant, fallow and virgin lands has fully cultivated it according to the specifications, paid the land Revenue at least once, and has a stable operation;

- (a) giving recommendation to the concerning goverment organization to alter and stipulate vacant, fallow and virgin lands to farmland in accordance with the Farmland Law if such lands have been cultivated after obataining permit for agricultural business;
- (b) giving advice to the Union Government in accordance with sub section (d) Section 6 of the types of businesses of livestock breeding to enable to

reclaim distinctly the land use policy of the State for the permit is for livestock breeding;

- (c) giving advice to the Union Government with sub section (d) Section 6 of the types of businesses of Mineral production to reclaim distinctly the land use policy of the State for the permit is for Mineral production business;
- (d) giving advice to the Union Government for implementing the land use policy of the State in accordance with sub section (d) Section 6 depends upon the relevant existing laws and constraints in implementing, if the permit is for the other lawful businesses permitted by the government.

Chapter V

Security Fees and Land Revenue

43. The person who has the right to cultivate or utilize the vacant, fallow and virgin lands shall pay the security fee determined by the Central Committee to the Myanmar Agricultural Development Bank in the nearest Township where the land is located.

44. The Central Committee or the relevant Management Committee shall supervise and control the cultivation of the person who has the right to cultivate or utilize to refund the paid security fees to that person after fully cultivated in accordance with the specified terms and conditions.

45. The Central Committee may determine and grant the exemption period of the land revenue for the vacant, fallow and virgin lands, from the date of such permission, according to the type of business and kind of crops, as follows:

- (a) In agricultural business;
 - (i) up to 7 years for Perennial plants.
 - (ii) up to 5 years for Orchard.
 - (iii) up to 4 years for Seasonal Crop, Industrial Seasonal Crop.
- (b) In the livestock breeding, poultry farming and aquaculture businesses;
 - (i) up to 2 years for breeding of fish, prawn and crab.
 - (ii) In the livestock breeding, poultry farming:
 - (aa) up to 3 years for buffalo, cattle, horse.
 - (bb) up to 2 years for sheep, goat.
 - (cc) up to 1 year for poultry, pig, duck, quail.

- (iii) the period specified in coordination with the respective Ministry of the Union Government as each type of livestock breeding, if the breeding is not involved in clauses (i) and (ii) of subrule (b).

46. The Central Committee shall issue the necessary directives that the Department levies and collects land revenue at the specified rate once a year from the person who has the right to carry out agricultural and livestock breeding from the date of the expiry of the exempted period of land revenue in order to effectively collect land revenues for the state from the users of vacant, fallow and virgin land.

47. The Central Committee shall direct as necessary that the persons who have the right to carry out the mineral production business and other lawful business authorized by the government shall pay the land revenue as the specified rate once a year from the date of permission, and the Department shall levy and collect it.

48. Relating to the levy and collection of land revenue at the specified rate, the Department shall:

- (a) levy the land revenue from the person who has the right to cultivate or utilize the vacant, fallow and virgin lands according to the type of business and kind of crops, from the next financial year after the expiry of the exempted period of the land revenue. It shall notify the person who has the the right to cultivate or utilize in time in order to pay the such levied land revenue.
- (b) direct the person who has the the right to cultivate or utilize to pay the land revenue to the Myanmar Economic Bank if that person contact to the department when receiving the notified letter according to the subrule (a).
- (c) supervise and inspect undertakings of the person who has the right to cultivate or utilize in accordance with sub rule (b).
- (d) manage to levy and collect the land revenue depending upon the rates determined by the Central Committee, in accordance with the permission of the Central Body for the management of vacant, fallow and virgin lands formed before the enactment of the vacant, fallow and virgin lands management Law by individuals and organizations who has been identified the users of the vacant, fallow and virgin lands.
- (e) report the collected land revenue to the Central Committee within two months after the end of each financial year.

49. When receiving the report in accordance with sub rule (e) of rule 48, the Central Committee shall report the status of the collection of Union land revenue to the Union Government within one month.

50. Regarding the right to cultivate or utilize the vacant, fallow and virgin lands, the Ministry shall assign the Head of Township Department as the land revenue collector and define duties and powers.

51. The Township Officer of the Department shall collect from the evader or absentee to pay the land revenue as the arrear of land revenue in accordance with the existing law if he found the person, who has the right to cultivate or utilize the vacant, fallow and virgin lands, evade or absent to pay the land revenue.

Chapter VI

Terms and Conditions to be Complied by the Person who has the Right to Cultivate or Utilize Vacant, Fallow and Virgin Lands

52. The person who has the right to cultivate or utilize vacant, fallow and virgin lands shall;

- (a) carry out the business on the permitted vacant, fallow and virgin lands to complete 15 percentage of the business in the first year, 30 percentage in second year, 30 percentage in third year and 25 percentage in fourth year within four years from the date of permit for the agriculture, livestock and other lawful businesses authorized by the government in order to full percentage and carry out until completion of it on the permitted vacant, fallow and virgin land within the period, that is determined by coordination with the Ministry of Natural Resources and Environmental Conservation, for the mineral production.
- (b) Not extract and mine other natural resources above or below the ground on the right to vacant fallow and virgin lands except the permitted business.
- (c) undertake cutting and clearing the forest of the permitted vacant, fallow and virgin land areas according to the area of cultivation yearly; and not undertake cutting and clearing the forest without actual cultivation.
- (d) pay fully the land revenue for vacant, fallow and virgin lands that have been granted the right to cultivate or utilize.

- (e) comply with the conditions prescribed by the Central Committee relating to the right to cultivate or utilize the vacant, fallow and virgin lands.

53. The person, who has the right to cultivate or utilize vacant, fallow and virgin land, shall present extension the prescribed period for the elapsed time due to natural disaster or unstable situation to the Central Committee with the approval of the relevant management committee before the end of the period allowed for carrying it out.

54. The person who has the right to cultivate or utilize vacant, fallow and virgin lands shall;

- (a) immediately report to the Central Committee, if different resources other than the permitted type of metal in the original application is found in the permitted vacant, fallow and virgin lands for the mineral production business, without mining continuously.
- (b) return the required land area from permitted land area as directed by the Union Government if it needs to conduct commercial production and conservation, as natural resources and ancient cultural heritage are found in the right to cultivate or utilize the vacant, fallow and virgin lands.
- (c) return the required land area from permitted land area as directed by the Union Government if it needs to conduct infrastructure project or special project such as airports, main roads, railway tracks is required to be implemented for the interest of the State in the right to use vacant fallow and virgin land according to any existing law.
- (d) return vacant, fallow and virgin land to the relevant Committee which issued permission if they are not able to continue cultivating and utilizing after getting the right to cultivate or utilize.
- (e) return the permitted vacant, fallow and virgin land area to the relevant Committee which issued permission if he does not apply for extension under these rules after expiry of permit or the Central Committee and the Relevant Management Committee does not allow renewal for any reason.

Chapter VII

Supervision

55. The person who obtains 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 shall submit 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 used and the remaining areas with photos to the Central Committee.

56. The Central Committee shall verify each case submitted under rule 55 and shall direct :

- (a) The assigned Special Body to visit the relevant vacant, fallow and virgin land together with permitted person by self or legal assigned to inspect with the relevant ward or village tract administrator and submit the situation of actually implementation of the permitted businesses on the permitted land. In that inspection, it shall direct the Body to inspect the cultivated and utilized persons surrounding the relevant fallow, vacant and virgin lands.
- (b) the Body to submit promptly with remark attaching documents and photos of inspection findings according to subrule (a).

57. Upon the submission under rule 56, the Central Committee shall, case by case:

- (a) scrutinize whether the person who has the rights to cultivate and utilize the land complies with the specifications under law or not as regarding vacant, fallow and virgin lands upon which the business is implemented and completed;
- (b) confiscate the vacant, fallow and virgin lands without cultivation and utilization until to the permitted period according to the Law, and issue the notification such confiscated and inform to the person who has the rights to cultivate and utilize originally;
- (c) decide on submission of the Special body regarding the right to cultivate and utilize vacant, fallow and virgin lands;
- (d) manage the confiscated the right to cultivate and utilize of the vacant, fallow and virgin lands for the finding of failed to do business within the

original permitted period with the prescribed stipulations or violations of terms and conditions;

- (e) confiscate the original deposited security fees as the State finance and determine as the fund of the Department for the finding of failed to do business within the original permitted period with the prescribed stipulations or violations of terms and conditions;
- (f) organize the Special Body and let it to scrutinize and submit when presenting fully completion of vacant, fallow and virgin lands which has the rights to cultivate and utilize within the prescribed period.

58. The Central Committee shall :

- (a) form the specific bodies in order to scrutinize and coordinate the submitted matters relating to the right to cultivate or utilize vacant, fallow and virgin lands.
- (b) direct the special body in order to conduct field-inspection whether or not the person who has the right to cultivate or utilize the vacant, fallow and virgin lands is implementing the business according to the stipulated conditions.

59. The Central Committee shall coordinate with the relevant departments or organizations to pay compensation for confiscating the permitted vacant, fallow and virgin lands under section 19 within the appropriate specified period by calculating the current value with the approval of Union Government as for the actually invested expenditures by the person who has the right to cultivate or utilize.

60. If it is found that the vacant, fallow and virgin lands is being cultivated and used without permission, the Township Department Office shall scrutinize and present it to the relevant District Department Office in order to take required action.

61. When the District Department Office receives a report under rule 60, it may present it to the relevant Region or State Department Office or Nay Pyi Taw Department Office.

62. When the Regional or State Department Office or Nay Pyi Taw Department Office receives a report under rule 61, it shall present it to the relevant Management Committee.

63. When the relevant Management Committee receives a report under rule 62, it shall submit it to the Central Committee with remark to take action.

64. When the Central Committee receives a report under rule 63, it shall continue to take action in accordance with the Law.

Chapter VIII

Supporting the Persons who have the Right to Cultivate or Utilize Vacant, Fallow and Virgin Lands

65. The Central Committee:

- (a) may assign the relevant management committee in order to coordinate with the relevant department or organization firstly and take action in accordance with law, when it receives submission of the person who has the right to cultivate or utilize that he has suffered the dispute, obstruction, trespass and mischief by local cultivators in implementing the business.
- (b) shall supervise and negotiate on volition of local cultivators so as not to suffer, if they can submit the sound evidence that they had been previously cultivating the area of permitted vacant, fallow and virgin lands.
- (c) shall manage in order to proceed in accordance with law only when it receives consent of the farmers who had previously get the right to utilize or cultivate on the permitted vacant, fallow and virgin lands area.
- (d) shall settle disputes by means of amending the permit or directing the relevant Committee in order to amend the permit, paying appropriate compensation or damages depending on mutual agreement or submission in settling the disputes under subrules (a), (b) and (c).

66. In relation to the provisions of section 23, the Central Committee may:

- (a) Communicate with the relevant Enterprise and Departments under the Ministry and negotiation to support as required from the nearest relevant Department or organization with vacant, fallow and virgin lands located, if the person who has the right to cultivate or utilize vacant, fallow and virgin lands, makes requests for technology, quality seeds or breeds and other support for agriculture.

- (b) Communicate with the relevant Enterprise and Departments under the Ministry and negotiation to support as required from the nearest relevant Department or organization with vacant, fallow and virgin lands located, if the person who has the right to cultivate or utilize vacant, fallow and virgin lands, makes requests for technology, breeds and other support for livestock breeding.
- (c) Supervise on the relevant management committee to scrutinize and recommend based on field inspection of the Special Body if the person who has the right to cultivate or utilize vacant, fallow and virgin lands is desirous to obtain loans for investment or supporting material and services for assistance.
- (d) Scrutinize and recommend to the relevant Ministry for obtaining special loan from the State based on field inspection of the Special Body after the person who has the right to cultivate or utilize vacant, fallow and virgin lands, has implemented and carried out the business and incurs the serious damage or losses due to natural disaster.

Chapter IX

Refunding of Security Fees

67. The Central Committee shall supervise and manage to refund the security fees to that person who has the right to cultivate or utilize vacant, fallow and virgin lands, who have implemented the business completely in accordance with terms and conditions within the stipulated period.

68. To refund the security fees, the person who has the right to cultivate or utilize vacant, fallow and virgin lands :

- (a) shall apply the application for refunding the security fees to the Central Committee or the relevant Management Committee after the completion of the business in accordance with the stipulations ;
- (b) In applying under subrule (a):
 - (i) shall also submit the copy of permit of the Central Committee for the right to cultivate or utilize the vacant, fallow and virgin lands which has been obtained by the permission of Central Committee.

(ii) shall also submit the copy of permit of Central Committee or relevant management Committee for the right to cultivate or utilize the vacant, fallow and virgin lands which has been obtained by the permission of Central Committee or relevant Management Committee.

(iii) shall also submit the copy of security fees payment challan.

69. When the Central Committee receives the application under rule 68, it shall send it to the relevant Committee to scrutinize and submit it.

70. When the relevant Management Committee receives the application submitted under rule 68 and the application sent by the Central Committee under rule 69, it shall be send to the Region or State Department Office or the Nay Pyi Taw Department Office in order to proceed as follows :

- (a) The Region or State Department Office or the Nay Pyi Taw Department Office shall send the application to the Township Department Office through the District Department Office, and assign the relevant Township Department office in order to visit and inspect the field where the vacant, fallow and virgin lands expressed in the application ;
- (b) When the Township Department receives the application, it shall conduct field-inspection to the relevant vacant, fallow and virgin lands and resubmit the report on it by taking photos of the completion of work.

71. The Township Department Office shall scrutinize the following facts when inspecting according to sub rule (b) of rule 70 :

- (a) Whether completion of work in accordance with the stipulation in all permitted areas of the right to cultivate or utilize the vacant, fallow and virgin lands or not;
- (b) Whether carry out permitted specified cultivation, livestock breeding or permitted business or not;
- (c) Whether consistent with the original work plan submitted or not;
- (d) Whether the security fees applied for refunding is consistent with the original security fees paid or not.

72. The Township Department Office shall resubmit the proceeding with the photos and the report to the Region or State Department Office or the Nay Pyi Taw Department Office through the relevant District Department Office by recommending to refund the security fees, or objecting to refund if it is not consistent with the stipulations after inspection according to rule 71.

73. When the Region or State Department Office or the Nay Pyi Taw Department Office receives the submitted proceeding under rule 72, it may field-inspect by itself to the vacant, fallow and virgin lands located if deemed necessary. It shall submit to the relevant Management Committee by writing the remark by recommending to refund the security fees by assuming that submission of the Township Department Office is complete and correct; or to object to refund by assuming that submission of the Township Department Office is incomplete and incorrect.

74. When receiving the submitted proceeding under rule 73, the relevant Management Committee shall submit it to the Central Committee with remarks.

75. The Central Committee shall:

- (a) direct the security fees to refund if it assumes that submissions are complete and correct by scrutinizing the proceeding submitted according to rule 74.
- (b) order to confiscate the security fees as the State fund and proceed if it finds that failing to do business or violation according to the stipulations.

76. The Central Committee shall send back the proceeding with the order to refund the security fees or to confiscate it as the State fund to the relevant Management Committee.

77. The relevant Management Committee shall send the proceeding under rule 76 with the order to refund the security fees or to confiscate it as the State fund to the Region or State Department Office or the Nay Pyi Taw Department Office.

78. The Region or State Department Office or the Nay Pyi Taw Department Office shall send the proceeding sent under rule 77 to the Township Department Office through the District Department Office.

79. The Township Department Office :
- (a) shall immediately inform the relevant bank that the security fees shall be refunded in urgent in accordance with the instruction under subrule (a) of rule 75.
 - (b) shall carry out it according to procedure in order to pay originally deposited security fees to the Union Budget for the decision to confiscate the security fees as the State fund under subrule (b) of rule 75.

Chapter X

Legal proceedings

80. The Central Committee shall assign the relevant Township Department Office to take action for offences under sections 27 (a), 27-A, 29 and 29-A.

Chapter XI

Miscellaneous

81. (a) Union Ministry, Nay Pyi Taw Council, Region or State governments shall apply for the right to cultivate or utilize of vacant, fallow and virgin land for infrastructure project or special project which is required to be implemented for the interest of the State according to the following categories:
- (i) vacant, fallow and virgin lands which had already been issued permit the right to cultivate or utilize.
 - (ii) vacant, fallow and virgin lands, without permission for anyone which has the right to cultivate or utilize, can be administrated by the State.
- (b) Union Ministry, Nay Pyi Taw Council, Region or State governments shall proceed as follows, if it applies for infrastructure project or special project which is required to be implemented for the interest of the State under clause (i) of sub rule (a) of rule 81 :
- (i) it shall submit the project and get approval of the relevant Committee of the Union Government through the Union Government Office, and continue to submit and get approval of the

Union Government Meeting, after calculating the required minimum land area for the project to be implemented.

- (ii) When obtaining the approval of the Union Government for implementing the project, the Union Ministry, Nay Pyi Taw Council, Region or State Governments shall submit it to the Central Committee with the approval of Union Government to refund the expenses actually incurred by the person who has the right to cultivate or utilize the proposed lands by calculating the current value of it.

82. The Central Committee shall identify and decide for the type of land is related to the Vacant, Fallow and Virgin Lands Management Law or the type of land is mentioned in the section 30-A of this Law.

83. The Central Committee may direct the person who has the right to cultivate or utilize the vacant, fallow and virgin lands to present the situation of the implementation of vacant, fallow and virgin lands to Central Committee and the relevant Management Committees in accordance with the stipulations.

84. The relevant Management Committee shall report the complete status of implementation to the Central Committee once in three months. In addition, it shall submit also the annual report by the end of the fiscal year.

85. The Central Committee shall report the complete status of implementation and management of Vacant, Fallow and Virgin Lands to the Union Government once in six months. In addition, it shall submit also the annual report by the end of the fiscal year.

86. The Vacant, Fallow and Virgin Lands Management Rules issued by notification No.1/2012 dated 2012, August 31 of Ministry of Agriculture and Irrigation, Government of the Republic of the Union of Myanmar are cancelled by these rules.

Tin HtutOo
Union Minister
Ministry of Agriculture,
Livestock and Irrigation

Letter No. 2/01/1000 (a) (656/2021)

Date : 12 October 2021

Delivered to-

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