

Guidance Note on Land Issues

MYANMAR



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INTRODUCTION

This note is meant to serve as a quick reference for local authorities and NGOs to acquire an understanding of relevant land laws and the context of land-use in Myanmar. All land and all natural resources in Myanmar, above and below the ground, above and beneath the water, and in the atmosphere is ultimately owned by the Union of Myanmar. Although the socialist economic system was abolished in 1988, the existing Land Law and Directions were not changed in parallel, and thus these are still in use today in accordance with the 'Adaptation of Expression of Law' of the State Law and Order Restoration Council Law No 8/88.

In Myanmar land is categorized as either 1) Agricultural land or 2) Non-agricultural land.

Agricultural land refers to cultivable waste land at the disposal of the State and land which is occupied for the purposes of agriculture such as paddy (rice land), *ya* (dry land), *kaing* (alluvial land) and garden.

Non-agricultural land refers to land that is not used for agricultural purposes. For example, forest land, grazing ground, road, town and village lands, etc. If agricultural land is not used for cultivation, all the buildings on agricultural land can be removed by authorities. Furthermore, whoever uses agricultural land for purposes other than the intended use, can be vacated and penalized under the 1963 Land Tenancy Law.

In order to change the land title from 'agricultural land' into 'non-agricultural land' it is necessary to get the Land Use Permission, in accordance with the 1953 Land Nationalization Act, Article No 39. According to this Article the President or the authorities appointed by President's office to act on President's behalf, may direct, if deemed necessary, that any agricultural land be utilized in such manners as prescribed by the President. Today, the State/Division Peace and Development Council (SPDC) has been delegated authority to give permission for land use and issue a certificate as evidence of this permission.

Consequently these Questions and Answers on Land Use and Land Law Guidance Note has been prepared in order to increase awareness, and share information on land related National Laws, as well as to create better understanding of the steps and procedures to be followed to acquire land use permission. Most queries from the consultation meetings (held with government officials, NGOs and Village Chairmen in the Delta) have been duly captured in this note.

This note has been prepared in consultation with and under the guidance and support of UN-Habitat and UNHCR. A sincere acknowledgment to Delta Social and Physical Protection Working Group.

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ACRONYMS

SLRD	Settlement and Land Records Department
DPDC	Division Peace and Development Council
GA	General Administration
TPDC	Township Peace and Development Council
UN	United Nations
UN-Habitat	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
VPDC	Village Tract Peace and Development Council





Salient Legal Features of Land Ownership in Myanmar

A Discussion Paper

Introduction

This section provides a quick overview of the various types and classes of land which are currently being administered in Myanmar in the light of the existing laws and prevailing practices of the country. Since the subject of land and land ownership is a vast area in the regime of property law, an in-depth analysis has not been attempted. Instead this section hopes to serve as a base source of information for those who would want to acquire some basis facts about land administration and the salient features of the existing land laws of Myanmar. It can be particularly helpful as a guide for Field Staff who may happen to come across land-related (protection) issues while carrying out operational duties in all parts of Myanmar.

PART A

Types and Classes of Land

1. From an administrative point of view, land can be classified into the following eleven categories. A brief overview on the nature and legal status of each of them is portrayed in Part C:
 - Freehold Land
 - Grant Land
 - Agricultural Land
 - Garden Land

- Grazing Land
 - Culturable Land, Fallow Land and Waste Land
 - Forest Land
 - Town Land
 - Village Land
 - Cantonments
 - Monastery
2. In the legal concept, 'Agricultural Land' and 'Garden Land' belong to a single category but for the sake of clarification they are discussed separately. The same applies to 'Town Land' and 'Village Land' which, on certain aspects, could either be categorized under 'Freehold Land' or 'Grant Land'. Likewise, 'Hill Plots' or '*Taung Yar*' as they are called in the Myanmar language is also discussed separately in PART D.

PART B

Legal Concepts on Land Ownership

1. Paramount Legal Concept

- 1.1 **Article 18 of the 1974 State Constitution:** 'The State is the ultimate owner of all natural resources above and below the ground, above and beneath the waters and in the atmosphere, and also of all lands'.
- 1.2 **Paragraph 25(a) of the Basic Principles** laid down by the **National Convention** which will be incorporated into the new State Constitution: 'The State is the ultimate owner of **all the land**, and natural resources above and below the ground, above and beneath the waters and in the atmosphere within its territorial boundary'.
- 1.3 **On 29 May 2008, Chairman of the State Peace and Development Council** announced that the State Constitution of the Republic of the Union of Myanmar has been ratified and promulgated by the National Referendum.
- 1.4 According the provision of **Section 37, Sub-Section(a)** in Chapter I of the Basic Principles of the Union of the **State Constitution (2008)**; 'The Union is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union'.

2. Ownership by Non-Citizens

- 2.1 From a legal point of view, ownership of land is something quite different from having possession of or of having access to it. Myanmar citizens may own 'Freehold Land' or 'Grant Land' and up until 1953, could even own 'Agricultural Land'. However, legislative changes of 1953 made a very strong impact on the ownership of agricultural land. This is discussed in section 3.2 of Part C below.
- 2.2 Up till 1947, Foreigners (non-citizens) also had the same rights as citizens as regards ownership and (or) disposal/transfer of land. As such '*Chettiers*', people of the Indian origin as they were used to be called, were at that time well known money-lenders cum agricultural land owners in Myanmar. However in 1947 the 'Transfer of Immovable Property Restriction Act' was enacted, the effect of which restricts, or rather disqualifies, foreigners from transferring all types of immovable

property, including land. This law was replaced in 1987 by a new law bearing the same title but with many of the previous major concepts still intact.

- 2.3 Hence since 1947, foreigners were not able to transfer land and the only type of transfer that is allowed is by way of 'Lease' which however shall not exceed a 1 year period at a time. However section 14 of the 1987 law provides that, with the approval of the government, leases may extend for more than 1 year with regards to diplomatic missions, UN agencies or organizations. In practice the Ministry of Foreign Affairs gives such approval.
- 2.4 However there is no legal provision which bars foreigners from transferring immovable property by way of **inheritance**. This led to a spate of questionable adoptions of Myanmar nationals by foreigners, the main intent of which was simply to out-smart the law by actually effecting a **transfer by sale** (of immovable property) while making it appear like a **transfer by inheritance**. The only law on adoption in Myanmar is the 1941 'Kittima Adoption Registration Law' upon which only those of the Buddhist faith can invoke. Hence if a foreigner happens to be a Buddhist by religion, he/she is competent by law to adopt a Myanmar Buddhist and subsequently pass on immovable property to him. However heavy scrutiny by the authorities has long since obscured this practice.
- 2.5 When a foreigner who owns any type of immovable property dies with no heir apparent or leaves the country for good, the property is nationalized by the State.
- 2.6 There however is no legal provision which bars foreigners/non-citizens from having access to agricultural land or to some other types of land. This is discussed in section 3.11 and 6.3 of Part C below.

PART C

Quick Visit to the Nature and Legal Status of Different Types of Land

1. Freehold Land

- 1.1 Freehold land can be interpreted into Myanmar language as **ancestral land**. Ownership of such land is conclusive and the owner is not required to pay land revenue with regard to it. It is **transferable** and can only be taken back by the government, for State interest, and in accordance with the 'Land Acquisition Act'.
- 1.2 In invoking the Land Acquisition Act as above, the government will compensate the owner of the land in cash or with alternative plots or in certain cases, with apartments/buildings etc. Such authority vests with the General Administration Department which is under the Ministry of Home Affairs.
- 1.3 Freehold land exists mostly in big cities and towns like Yangon and Mandalay and with very few instances, if at all, in small towns and villages.

2. Grant Land

- 2.1 'Grant Land' is owned by the government. Land at the disposal of Government may be disposed of by grant or lease to any person or entity for a stipulated period which is explicitly spelt out in the document well known in the Myanmar language as 'Ga-yan', an apparent direct adoption of the word 'Grant'. The lease

period could range from 10 years, to 30 years to 90 years etc. which is extendible upon application. It is **transferable** and the owner is legally bound to pay land revenue with regard to it.

- 2.2 This type of land may be taken back if the government does not wish to extend the lease, which is seldom the case. It may also be taken back during the lease period, for State interest, in accordance with the 'Land Acquisition Act', in which case the owner is entitled to compensation. During the lease period the land is not at the disposal of government.
- 2.3 Grant land exists almost everywhere in cities and towns but very few cases exist in villages.
- 2.4 For Yangon, 'Grants' are put into effect by the 'Yangon City Development Committee' and for Mandalay by the 'Mandalay City Development Committee'. Both cities have their own 'Development Committee Law'. For other cities and towns, 'Grants' are put into effect by the concerned 'District General Administration Department' as they fall within the broader application of the Development Committee Law' which applies to all parts of the country except Yangon and Mandalay.

3. Agricultural Land

- 3.1 The 1963 'Disposal of Tenancies Law' defines 'Agricultural Land' as: 'Land being utilized or kept in possession for agriculture purposes'. The expression include paddy land, garden land on which vegetables and flowers are grown, rubber plantation land and also virgin land occasioned by the diversion of the river current. Whatever the legal context may be, in the layman's language agricultural land is normally understood as 'rice paddy land' due to the fact that traditionally, most agricultural land has been used for planting rice, the staple food for the Myanmar people.
- 3.2 Prior to 1953, citizens as well as foreigners could own agricultural land. However with the enactment of the 'Land Nationalization Act' in 1953, all agricultural land has come under exclusive state-ownership. As such, all agricultural land was taken over by the government and was again put on lease to farmers who automatically became tenants to the land. That was when the system of 'state allocation of agricultural land' took its roots.
- 3.3 Allocation of agricultural land was affected in accordance with the 1953 'Tenancy Act' which was replaced 10 years later, in 1963, by the 'Disposal of Tenancies Law'. Under this law and its rules, the government may stipulate conditions to which tenants shall adhere to, failure of which could result in the termination of tenancy, or for a serious break like selling/transferring the allocated land, render the person to prosecution. The maximum penalty under section 12 of the 1963 Disposal of Tenancies Law is 6 months imprisonment.
- 3.4 The decision for allocation of agricultural land is taken by the concerned Village-tract Peace and Development Council which subsequently needs to be approved and confirmed by the concerned Township Peace and Development Council. Tenants shall pay revenue with regard to the land allocated to them. Agricultural Land is **not transferable** in accordance with the 1953 Land Nationalization Act, Article 4.

- 3.5 Agricultural land is to be used only for agriculture purposes. The government may stipulate the type of crop tenants must grow on it and also the quantity of crop, usually paddy, to be sold to the government at the stipulated rate. Non-compliance of any provisions of the rules or conditions set by the government may compel the government to take back the land for re-allocation to others. The following are the major infringements which may compel the government to take back land:
- 3.5.1 Failure to cultivate on the allocated land without a sound reason;
 - 3.5.2 Sub-letting the allocated land to others;
 - 3.5.3 Sell, mortgage or transfer by other means the allocated land;
 - 3.5.4 Ceasing to be a farmer;
 - 3.5.5 Failure to grow the stipulated type of crop;
 - 3.5.6 Failure to sell the full quota of the stipulated crop, within the stipulated time at the stipulated price to the government.
- 3.6 In practice, it is seldom the case that land is taken back from a tenant for merely failing to sell crops to the government. For example if such failure is the result of flood or general crop failure, the government may totally dispense with the purchase or may require the farmer (tenant) to fulfill the defaulted quota during the forthcoming season(s).
- 3.7 Section 35 of the State Constitution (2008): 'The economic system of the Union is a market economy system'. Since 1992 - 1993, the Economic Development Year, integrated development strategy has been applied for agricultural development with specific sectoral objectives and policies. Among them, one of the agricultural development policies is to allow freedom of choice in agricultural production. So, farmers have now free choice of which crops to grow except cultivation of paddy in irrigated areas. The compulsory delivery system was removed beginning from the 2003 harvest.
- 3.8 All the buildings on agricultural land can be removed if the agricultural land is not used for cultivation. Further, whoever uses agricultural land for other purposes can be evicted and punished under the Disposal of Tenancies Law, 1963.



3.9 Agricultural land may be used for other purposes (e.g.; for building houses or digging fish-ponds). Decision as such is given by the concerned State/Division Peace and Development Council, upon approval by the Ministry of Agriculture and Irrigation, while the State/Division Peace and Development Council will, based upon such decision, issue the official document called 'La Na 39'. In other words the process means action is taken under Article 39 of the 'Land Nationalization Act' 1953. This 'La Na 39' type of land is **transferable**. It could eventually be upgraded to 'Grant Land' by the government (see sections 8.2 and 8.3)

3.10 To change the title of the land from 'agricultural land' into 'non-agricultural land' it is necessary to get the permission for land use from the State / Division Peace and Development Council, according to the 1953 Land Nationalization Act, Article 39. If the construction of village is on Agricultural Land we must take the following steps to change the land use:

1. Chairman of VPDC submits the application Form LR103 to Township Land Records Department in order to get a certified map.
2. Chairman of VPDC submits the application form to Township Peace and Development Council/General Administration Department with:
 - (1) Certified Map
 - (2) Site Plan and Layout Plan
 - (3) Promise Letter i.e. a contract indicating that the shelter will be completed within 6 months.
3. Township Peace and Development Council/G.A. Department will process the case file. In Myanmar the Township Officer of G.A. Department also acts as the Chairman of Township Peace and Development Council (TPDC).
4. The application form is received and registered by the Office of TPDC.
5. The Chairman of TPDC opens the case file and takes necessary actions according to the Directions of Central Land Committee. During the process, the Township Land Records Officer enquires about the land and his report is attached in the case file.
6. The Township Peace and Development Council then submit the case file, passing it through the District Peace and Development Council to the State/Division Peace and Development Council (DPDC).
7. Finally, the State/Division Peace and Development Council has authority to give permission for the change in land use.

3.11 There is no legal provision which bars non-citizens from having access to agricultural land. This can be clearly seen from the fact that many Muslims in the Northern Rakhine State who do not have Citizenship status still have access to agricultural land.

4. Garden Land

4.1 In the legal context the term 'Garden Land' is inclusive of the broader definition of the term 'Agricultural Land'. However the type of crop(s) grown on it may differ

from those usually grown on agricultural land. Besides, the amount of revenue payable to the government with regard to garden land is much higher.

- 4.2 Garden land is also **not transferable** although in practice transfers by sale are take place frequently. This practice usually misleads to the understanding that garden land is transferable.
- 4.3 The provision of the 1963 Disposal of Tenancies Law and its Rules shall apply in its allocation or re-allocation by the government although notably, the frequency in it may be extremely low as compared to the frequency of the same of rice paddy land.

5. Grazing Land

- 5.1 Grazing land is different from the other types of land. Ever since nationalization of agricultural land took effect in 1953, entries were also made in the records of various Township Land Records Offices indicating and mapping the area of land designated as 'Grazing Land'.
- 5.2 The concerned Village Tract Peace and Development Councils are assigned by law to look after and maintain grazing land in their respective village tracts. As such the VPDC will see to it that there are no trespassers (residents) on grazing land and that it is used only by the cattle owned by the people who are residents of the villages permitted access to it. For non-compliance, the VPDC will take action, for certain offences, report to the competent (township) authorities for necessary action.
- 5.3 No revenue is levy able in respect of the lawful use of grazing land.
- 5.4 To build a shelter on grazing-ground; Firstly the Township GA Department opens the case file and takes necessary action to remove the allotment of grazing-ground. Secondly, the GA Department submits the case file attached with the recommendation of DPDC to the Ministry of Home Affairs to get the permission for land use. Thirdly, there is a need to get the permission for land use from DPDC, according to the 1953 Land Nationalization Act, Article 39 by following up on the land application procedure.

6. Culturable Land, Fallow Land and Waste Land

- 6.1 This is also a separate class of land in which regard the government may grant the right to cultivate/utilize to state-owned economic organizations, joint-ventures, other organizations and private individuals on a commercial basis such as for agriculture, livestock breeding or aquaculture enterprises.
- 6.2 The governing set of rules in this regard is the 'Procedures Conferring the Right to Cultivate Land/Right to Utilize Land for Agriculture, Livestock Poultry Farming, and Aquaculture Purposes' which has been prescribed by the Central Committee for the Management of Culturable Land, Fallow Land and Waste Land.
- 6.3 Myanmar citizens have the right to apply for 5,000 acres at a time and whenever cultivation is completed on the said 5,000 acres, an additional 5,000 acres at a time up to a total of 50,000 acres for cultivation of perennial plants. If foreigners are involved in a group of applicants, the matter is to be referred to the **Myanmar**

Investment Commission. A maximum period of 30 years may be granted to cultivate/utilize the land.

- 6.4 Exemption from payment of land revenue and income-tax is also granted, for specified periods, depending on the type of agriculture or livestock breeding an enterprise is involved with.

7. Forest Land

- 7.1 Forest land is declared and administered by the Ministry of Forestry in accordance with the 'Forest Law' and its rules and regulations. Permission is required from the Ministry in extracting timber, cutting fire-wood, producing charcoal or catching fish from a 'Reserved Forest Area'. Approval is also required of government enterprises involved with gem-mining or oil exploration in the exploration/activities in reserved forest areas (forest land).
- 7.2 Individuals shall pay license fees to the forest department for wood-cutting, for charcoal production or for extraction of forest products etc. in forest land. Trespassers (residents) may be prosecuted under Forest Law.
- 7.3 Forest land is under the control of Forest Department. So, permission is required for land use from Forest Department. This usually requires permission not only of the Ministry but of Cabinet.
- 7.4 Forest land may not be re-designated into another category of land unless the Ministry of Forestry de-registers it from their registry.

8. Town Land

- 8.1 In fact 'Town Land' does not quite belong to a different category of land. In most cases it could be classified under either 'Freehold Land' or 'Grant Land'. However this statement is not conclusive as there is one exception which justifies a specific categorization i.e. La Na 39 type land (see section 3.9 above). La Na 39 type land is neither Freehold Land nor Grant Land and hence it is classified under the 'Town Land' category along with the other two.
- 8.2 In some small towns that are just expanding, many plots could be agricultural land transformed into 'La Na 39 type land', under article 39 of the 1953 Land Nationalization Act. The person having access to it may utilize it for purposes other than agriculture such as for building houses or digging fish-ponds etc.
- 8.3 This La Na 39 type land is **transferable**. It could also eventually become 'Grant Land'. For example the new satellite towns of 'Dagon Myothit' on the outskirts of Yangon City were initially paddy fields (agricultural land) but their status was changed into 'La Na 39 land' when they were allocated to people, mostly government employees. A few years after allocation, the government issued 'Gazans' or 'Grants' with regard to these plots. Hence these are now 'Grant Land'.
- 8.4 The person under whose name this type of land is registered shall pay land revenue to the government.



9. Village Land

- 9.1 Naturally, 'Village Land' is situated out of bounds of 'Town Land'. Village land could either be 'Grant Land' or 'La Na 39 type land' or as discussed above. La Na 39 type land could eventually be transformed into Grant Land.
- 9.2 Village land is **transferable**. However in some villages, houses are built on plots which are still registered as Agricultural Land and have not yet been transformed into 'Grant' or La Na 39 type land. In such a case the plot will not be transferable although they are viewed as part of the village.
- 9.3 The government will collect land revenue in respect of this type of land.
- 9.4 Plots of land in villages not exceeding one-fourth of an acre in size and occupied by or appertaining to buildings is exempted from assessment of land revenue .(The Lower Burma Town and Village Lands Act, 1899, section 22(c) .

10. Cantonments

- 10.1 'Cantonments' is a specific type of land acquired by the government for exclusive use by the military which is also exclusively administered by the military.
- 10.2 When any portion of land has been earmarked for such use, the Ministry of Home Affairs will issue a declaration which designates such area as the 'Cantonment Area'. Then the land will be acquired under the 'Land Acquisition Act' whereby the former owner will be compensated if such land was, before acquisition, 'Freehold' or 'Grant' or 'La Na 39' type land but not otherwise.
- 10.3 For other types of land (e.g. agricultural land) there is no need to invoke the 'Land Acquisition Act' and the Ministry of Home Affairs can simply declare such area as the 'Cantonment Area'.
- 10.4 Land revenue is exempted with regard to 'Cantonments' but the land should be surrendered to the government if it is not anymore required for military use.

11. Monastery

- 11.1 The Ministry of Home Affairs may declare an area of land as 'Monastery Land'. Once it has been declared as such, the status of the land remains unchangeable for good.
- 11.2 The Ministry of Home Affairs will invoke the 'Land Acquisition Act' if the land to be declared as monastery land is either 'Freehold', 'Grant' or 'La Na 39' type land. In such a case, the owner will be compensated. However for other types of land, such as agricultural land, it will not be necessary to invoke the Land Acquisition Act.
- 11.3 Land revenue is exempted with regard to this class of land.

PART D

Miscellaneous

1. There are still some other types of land such as 'Hill Plots' called '*Taung Yar*' in Myanmar language, where any person may slash burn and cultivate, but within certain restrictions set by the government. These plots are mostly found in hilly region such as Chin State, Shan State or Kachin State. Land revenue will be collected with regard to this type of land according to the Notification No.425 of the Finance and Revenue Department, dated the 10th November 1967.
2. There is another type of land easily referred to as 'Fire-gutted land' which refers to 'land-left-over' after the structure(s) on it had been gutted by fire. Whatever the status it may have held before the fire i.e whether freehold or grant land, the government will take back all of the fire-gutted land and may reallocate to the same people on the same plot or give them alternate plots in other locations. Squatters who had occupied the gutted area will not officially be entitled to receive any land.
3. Although strict restrictions have been imposed, by legislation, as regards transfer of agricultural land, practice shows that many people still discreetly transfer agricultural land without drawing apparent objections from the authorities.
4. The following are the list of the significant laws which govern the issue of land, land administration and land ownership in Myanmar:
 - Constitution of the Republic of the Union of Myanmar, 2008
 - Land Nationalization Act, 1953
 - Land Nationalization Rules, 1954
 - The Disposal of Tenancies Law, 1963
 - The Disposal of Tenancies Rules, 1963
 - The Agriculturist's Rights Protection Law, 1963
 - The Law Amending the Disposal of Tenancies Law, 1965
 - Land Acquisition Act, 1894
 - Transfer of Immovable Property Restriction Act, 1947 (repealed)
 - Transfer of Immovable Property Restriction Law, 1987
 - Registration Act
 - The Lower Burma Land Revenue Manual, 1876
 - The Upper Burma Land and Revenue Regulation, 1889
 - The Lower Burma Town and Village Land Manual, 1899
 - The City of Yangon Development Council Law, 1990

- The City of Mandalay Development Council Law, 2002
- Development Committee Law, 1993
- Forest Law, 1992
- Cantonments Act
- Duties and Rights of the People's Council and Executive Committees at various levels, 1977
- The State Laws and Order Restoration Council's Law No.8/88
- Duties and Rights of the Central Committee for the Management of Culturable Land, Fallow Land and Waste Land and Procedures conferring the right to cultivate land/right to utilized land, 1991



FREQUENTLY ASKED QUESTIONS

1. If I am considering a shelter project where do I go to find out how a particular piece of land is classified?
 - A. During the planning stage of the project, meet with the township level Settlement and Land Records Department (SLRD) and the Township Peace and Development Council (TPDC) to find out how a particular piece of land is classified.
2. What do I need to agree during consultations at village level before building shelters?
 - A. The TPDC needs to agree to approve the initiative, provided land can be found. It is necessary to discuss land tenure arrangements with the respective Village Tract Peace and Development Council Chairman (VPDC) and the land donor, if there is one. Contingent upon whether landless households were granted permission from the land donor as well as certification from the VPDC, shelter construction can proceed.
3. Explain the difference between 'Agricultural Land' and 'Non Agricultural Land'
 - A. Land is categorized as 1) agricultural land and 2) non-agricultural land. By 'Agricultural Land', it is meant cultivable (capable of, or fit for, being cultivated) waste land at the disposal of the State and land which is occupied for the purposes of agriculture such as paddy (rice land), *ya* (dry land), *kaing* (alluvial land) and garden. 'Non-agricultural Land' means land that does not include in agricultural land. For example, forest land, grazing ground, road, town and village lands etc. (Land Nationalization Act 1953, Art 3).

4. If agricultural land is not used for cultivation, what actions can be taken?
- A. All the buildings on agricultural land can be removed if the agricultural land is not used for cultivation. Further, whoever uses agricultural land for other purposes can be evicted and punished under the Disposal of Tenancies Law 1963.

5. Is it a breach of law when the 'non-agricultural land' is cultivated?

- A. It is a breach of law when the 'non-agricultural land' is cultivated; for example, if there is cultivation on forest land it is an offence under Forest Law.

6. We have often heard about 'Application Form 103 and Form 105' and 'La/Na (39)'. What are they?

- A. Form 103 is a product of Land Records Department. It is used when applying for a certified map from Land Records Department. This form must be used by the Chairman of Village Tract Peace and Development Council and any other persons who wish to apply for a certified map whenever it is necessary (e.g. to build, or change use of land). It is addressed to the Officer of Township Land Records Department.

The Department will issue the certified map in accordance with Form 105.

La/Na (39) refers to 'subject to Article 39 of the Land Nationalization Act'. According to this Article, the President or the authorities appointed by him to act on his behalf may direct, if it is deemed necessary, that any agricultural land be utilized in such manner as prescribed by him. Now, the State/Division Peace and Development Council (SDPDC) has authority to give permission for land use and must issue a certificate.

7. What process is necessary to change the title of the land from 'agricultural land' into 'non-agricultural land'?

- A. To change the land from 'agricultural land' into 'non-agricultural land', it is necessary to get the permission for land use from the State/Division Peace and Development Council, according to the 1953 Land Nationalization Act, Article No 39.

8. How can I apply for change of land title from grazing land to enable us to build households on that land?

- A. To build a shelter on grazing-ground; firstly the Township GA Department opens the case file and takes necessary action to remove the allotment of grazing-ground. Secondly, the GA Department submits the case file attached with the recommendation of DPDC to the Ministry of Home Affairs to get the permission for land use. Thirdly, there is a need to get the permission for land use from DPDC, according to the 1953 Land Nationalization Act, Article No 39 by following up the land application procedure.

9. What can I do in the case of construction of houses in Forest Land?

- A. Forest land is under the control of Forest Department. So, you need to get the permission for land use from Forest Department. This usually requires permission not only of the Ministry but of Cabinet.
10. I have noticed the construction of villages, houses or evacuation shelters in Nargis affected areas that may not be correctly registered. How can I apply for correct registration?
- A. If the construction of village or house or evacuation shelter in Nargis affected area is on Agricultural land we must take the following steps to change the land use:-
- 1) Chairman of VPDC submits the application Form No (103) to Township Land Records Department in order to get a certified map.
 - 2) Chairman of VPDC submits the application form to Township Peace and Development Council/General Administration Department with:
 - i. Certified Map
 - ii. Site Plan and Layout Plan
 - iii. Promise Letter i.e. a contract indicating that the shelter will be completed within (6) months.
 - 3) Township Peace and Development Council/G.A. Department will process the case file. In Myanmar the Township Officer of G.A. Department also acts as the Chairman of Township Peace and Development Council (TPDC).
 - 4) The application form is received and registered by the Office of TPDC.
 - 5) The Chairman of TPDC opens the case file and takes necessary actions according to the Directions of Central Land Committee. During the process, the Township Land Records Officer enquires about the land and his report is attached in the case file.
 - 6) The Township Peace and Development Council then submits the case file, passing it through the District Peace and Development Council, to the State/Division Peace Development Council.



7) Finally, the State/Division Peace and Development Council has authority to give permission for the change in land use.

11. Can you tell me how long does it take to get permission for the change in land use so I can calculate the length of my project?

A. The period will depend upon the situation. It cannot be estimated as it is not like a production line. The humanitarian agencies/organizations can start the construction tasks upon receipt the approval from Township General Administration Office and continue to have the approval issued in accordance with the relevant laws and procedures simultaneously.

12. Do we still need to apply for approval if construction is made within the village land?

A. It is not necessary to apply for 'La/Na (39)' because the land is within the village land.

13. What are the existing laws, rules, procedures and directives relating to the land use?

A. The major existing land laws, rules and directives which have been used for land administration and management are prescribed below.

- 1) 1953 Land Nationalization Act
- 2) 1954 Land Nationalization Rules
- 3) 1963 The Disposal of Tenancies Law
- 4) 1963 The Disposal of Tenancies Rules
- 5) 1963 The Agriculturist's Rights Protection Law
- 6) 1965 The Law Amending the Disposal of Tenancies Law
- 7) 1977 Duties and Rights of the People's Council and Executive Committees at various levels
- 8) The State Laws and Order Restoration Council 's Law No 8/88 – In accordance with the 'Adaptation of Expression of Law'
- 9) 1991, Duties and Rights of the Central Committee for the Management of Cultivable Land, Fallow Land and Waste Land and Procedures conferring the right to cultivate land/ right to utilize land
- 10) Directions of Central Land Committee
- 11) 1876 The Lower Burma Land Revenue Manual
- 12) 1889 The Upper Burma Land and Revenue Regulation
- 13) 1899 The Lower Burma Town and Village Land Manual

14. Are copies of these laws available? Where can I get them?

A. Copies of laws are available. Libraries, the National Archives and bookshops selling second books are the best places to find copies of the laws.

Summary Table of Myanmar Agricultural Land Laws from Colonial Period to the Present Day

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/ on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
1	1861 Rules for the Grant of Waste Land	It was an attempt to attract capitalists to develop the agriculture by offering them large areas of land on easy terms.	It attempted capitalist to bring them into farming. But it contains penal clauses providing for the resumption of land if the land was not cultivated in a given period	The Governor of British Burma	Abolished in 1863 because few capitalist were unwillingly to accept the condition	Having no prospects of bringing land under cultivation by peasant proprietors, this rule look ward for to capitalists.
2	1863 The Waste Land Claims Act (India Act 23, 1863) (10th March 1863)	The waste land grant taking place of 1861 rule		Dy. Commissioner	No one come forward to buy land	
3	1863 Rules for the Sales of Waste Land	It took the place of 1861 Rule. But nobody came forward to buy land	Attempt to bring capitalist into farming by sale of lands	The Governor of British Burma	It was abandoned before 1880	
4	1865 Rules for the Grant of Waste Land	It was a reversion to 1861 Grant system. Large areas of lands were offered to capitalists at low rates with no penalty for failure to bring the land under cultivation. 1865 Land Grant Rule allowed the cultivator to pay fixed revenue. Cultivators expanded the land as much as possible revenue at fixed the govt. received proportionately less revenue. Land Grant rule was withdrawn. The 1876 Revenue Act was enacted.	Renewed attempt to bring capitalists into farming by provision more incentives	The Governor of British Burma, Dy. Commissioner	The Grants hindered instead of promoting the agricultural development and after few years, it was abandoned.	So-called capitalists applied for this grant and alienated their small holdings to tenants.
5	The Land and Revenue Act (India Act II, 1876)	For prescribing the right of people for access to land and for revising the <i>thathameda</i> tax, the necessity for assessing and collecting the land revenue, this Act was enacted.	Applicable to all cultivable lands; exclude religious land, revenue-exempted lands	Revenue officers, included Financial Commissioner, Commissioner and Settlement and Land Records down to settlement officers.	Still in force, now Township General Administration Department collect revenue	It was applicable to whole lower Myanmar and some part of Upper Myanmar up to Thayet district.
6	The Land Improvements Loans Act of 1883 (India Act No. 19, 1883)	-To meet the need of cultivators for capital and to finance agriculture. -To help cultivator to improve their lands	Financing agriculturist for land reclamation and land improvement. Member of village community were bound to govt. for repayment in respect of borrower.	Powers of Governor and Financial Commissioner to make rules.	Inoperative	The amount of money lent was inconsiderable. For 1935-36, only Rs. 6564 was delivers under the Agricultural Land Improvement Act.
7	The Agriculturist's Loan Act of 1884 (India Act No. 12, 1884) (1st August 1884)	To supply cultivators loan with moderate rate of interest for the purchase of seeds, cattle, etc.	Provision included Powers of Governor and Financial Commissioner to make rules, recovery of loans, and liability of joint borrowers as among themselves.	Finance Dept. and Township officer	Ineffective	Loan amount is small. It did not still cover overhead charges of Govt. Lose money over transaction; In 1935-36, only Rs. 359927 was given out under the agriculturist's Loan Act.

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/ on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
						Total loan amount less than Rs. 2 million a year whereas outside loan amounted to Rs. 500 million during 10 year-period. Financing problem could not have been solved.
8	The Upper Burma Land and Revenue Regulation, 1889	To collect land revenue from all cultivable lands	All cultivable lands except religious land, revenue-exempted lands	Financial Commissioner , Dy. Commissioner Collector	Still applicable	
9	1891 Burma Agriculturist's Relief Bill	To prevent transfer of land from the agriculturist to non-agriculturist	Such land transfer could not be undertaken without the approval of revenue officer. The attachment shall not be made by affixing the warrant of attachment.	It had no chance for adoption	Govt. of Burma did not take Action on the Bill.	The Bill in favor of cultivators provoked a warning from Govt. of India that it was unwise to institute measures of preventing landlord class.
10	The Lower Burma Town and Village Lands Act (Burma Act IV, 1898) (9th September, 1899)	To help assist the government bureaucracy and administrative mechanism, to demarcate the boundaries, to undertake settlement operations to assess revenue, etc, Lower and Upper Burma Act were enacted.	This Act was applicable to Lower Burma and Thayetmyo District of Upper Burma; applicable to all lands in all towns and villages.	Revenue officers, Demarcation officers. Boundary officers.	Still effective	Revenue assessment was exempted for those lands subjected to weather hazard or other calamities
11	1892 Bill	This Bill is one of measures to impede the growth of tenant class.	The Govt. of India advised the Govt. of Burma to guard against the growth of a tenant class. This Bill provides for the purchase of land by tenant from landlords.	The proposal was considered too extreme and was dropped by the Govt. Financial Commissioner, collector from Revenue Dept. As the Govt. had no funds to acquire the land, it was not able to take action under this Act	Not adopted	Social-minded official considered the protection of land transfer from agriculturists to landlords. But the landlordism had a strong seat in the Cabinet which rejected the Bill.
12	The Upper Burma Land and Revenue Regulation, 1889	To collect land revenue from all cultivable lands	All cultivable lands except religious land, revenue-exempted lands	Financial Commissioner , Dy. Commissioner Collector	Still applicable	
13	1891 Burma Agriculturist's Relief Bill	To prevent transfer of land from the agriculturist to non-agriculturist	Such land transfer could not be undertaken without the approval of revenue officer. The attachment shall not be made by affixing the warrant of attachment.	It had no chance for adoption	Govt. of Burma did not take Action on the Bill.	The Bill in favor of cultivators provoked a warning from Govt. of India that it was unwise to institute measures of preventing landlord class
14	The Lower Burma Town and Village Lands Act (Burma Act IV, 1898) (9th September, 1899)	To help assist the government bureaucracy and administrative mechanism, to demarcate the boundaries , to undertake settlement operations to assess revenue, etc.	This Act was applicable to Lower Burma and Thayetmyo District of Upper Burma; applicable to all lands in all towns and villages.	Revenue officers, Demarcation officers. Boundary officers.	Still effective	Revenue assessment was exempted for those lands subjected to weather hazard or other calamities

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/ on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
		Lower and Upper Burma Act were enacted.				
15	1892 Bill	This Bill is one of measures to impede the growth of tenant class.	The Govt. of India advised the Govt. of Burma to guard against the growth of a tenant class. This Bill provides for the purchase of land by tenant from landlords.	The proposal was considered too extreme and was dropped by the Govt. Financial Commissioner, Collector from Revenue Dept. As the Govt. had no funds to acquire the land, it was not able to take action under this Act	Not adopted	Social-minded official considered the protection of land transfer from agriculturists to landlords. But the landlordism had a strong seat in the Cabinet which rejected the Bill.
16	The Land Acquisition Act, 1894 (India Act I, 1894)	The Act provided for the Govt. to acquire agricultural land from landlords by giving them cash compensation at current market prices and giving the land out to peasant on long-term credit.	Survey, set out boundary, declaration of intended acquisition, collector to take order for acquisition, market value of land for compensation	Collector	As Amended by the Government of Burma (Adaptation of Laws) Order, 1937 and The Burma Laws (Adaptation) Act – Burma Act 27, 1940 (2 nd November 1940)	It aimed to promote growth of "peasant proprietor" class.
17	1896 Bill	To solve the problem of security of tenure and fair rent	The rent of the tenancy was to be fixed by settlement officer and could not be raised except by Revenue officer. Occupancy tenant could not be ejected except in execution of decree by Civil Court for not paying rent.	The proposal met the strong opposition from the Govt. officials and it was considered that tenant were in no need of protection from their landlords.	Did not pass	In favor of peasants
18	1898 Bill	To tackle with the tenure security and payment of a fair rent.	Fair rent proposed to be determined by the Revenue officer or as fixed by Settlement officer.	The proposal under pending until 1902. The Govt. of India dropped it.	Did not pass	The Govt. intended to protect the interest of landlord but not peasant or tenants.
19	1906 Burma Tenancy Bill	The Bill proposed to create a privileged class of tenants (or) protected tenants. It proposed to restrict the holding of land by non-agriculturists.	It stated that a landlord might not increase the rent of a protected tenant without recourse to revenue officer	It was the first Bill to be placed before the public. It was opposed by landlord, Chettyar, European merchants and rice traders in the legislative Council.	The Bill was set aside. The Govt. of India gave reason that Chettyars would not release loan without having mortgaged land.	A privileged class of tenants was proposed. The complaint was given that no accurate definition of agriculturist was given
20	Usurious Loans Act, 1918	Indebtedness of peasants to Chettyars amounted to Rs. 750 millions in 1929-30. Short-term loans amounted to Rs. 2000 loans annually for paddy cultivation. To combat this indebtedness, this Act was made.		No mechanism was made to implement this Act. The advocates were not inclined to use the provision of this Act.	The Act was seldom used. The Act was not well known.	Overworked judges were unwillingly on their own initiative to raise these issues which might increase their workload.

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		It aimed to exercise some control over the activities of money-lenders.				
21	1927 Agrarian Bill	It proposed to grant the tenant the right to a renewal of his lease for less than 7 years. It attempted to get the fundamental requirement of tenancy legislation, viz; reasonable security of tenure at a fair rent.	It contained provision for giving satisfactory tenants the right. To fresh lease	It suggested to apply to a Revenue Court for an order forbidding landlord to evict tenant who paid fair rent. Settlement officer was reckoned as responsible for fixing fair rent.	Due to a storm of protest from land owners, the Govt. dared not to proceed with the Bill.	Landlords opposed the suggested longer renewal period.
22	The Burma Agriculturist Debt Conciliation Act, 1936 (Burma Act 8, 1936) (14th November, 1936)	The Act arises out of the need to partially solve the problem of indebtedness. This Act is aimed at the relief of agriculturists from indebtedness by amicable settlement between them and their creditors.	Less than 50% of total debt to be settled with the creditors to be reduced to amounts payable. The Debt Conciliation Board shall scale down the debts.	Debt Conciliation Board was empowered to relieve peasants from indebtedness.	The Debt Conciliation Board did not know exactly their work.	The Act could not put on brake on the existing volume of indebtedness of peasants.
23	1937 U Saw's Paddy Rents Control Bill	It proposed to fix the land rent.	No land owner shall demand from the tenant as rent for hire of paddy land more than 25% of total paddy output.		House of Representative rejected the Bill.	The Bill with the exception of gross produce, ignored the factors such as determination of rent, cost of cultivation, liability to weather hazard, etc.
24	The Tenancy Bill, 1938	It aims to meet three requirements of tenants: (1) provision of adequate credit at reasonable rate, (2) security of tenure and (3) fair rent.	It prescribed the right of tenants to pay a fair rent; entitled compensation for land improvement by any evicted tenant; bar to suit until attachment is removed, proposed charges on produce; need of protecting the landlords' interest.	It was drafted by Land and Agricultural Committee as appointed by the Govt.	It was approved to be 1939 Tenancy Act	It considered provision for both fair rent and protection for the landlord's interest.
25	The Tenancy Act (Burma Act 10, 1939) (3rd May, 1939)	Due to peasant agitation, the New Cabinet of the Coalition Government made the Act to improve the condition of peasant agricultural laborers.		During Diarchic Govt., the New Cabinet due to peasant agitations had to make this Act and allied acts.	In 1942, World War II broke out. Emerged revolution drove out British. The Act had no chance to cause effect.	Some relief was given to the tenants by this Act. But as this act alone could not be carried out, three ordinances were issued successively to enforce the Act such as standard Basket Act.
26	Burma Land Purchase Act (Burma Act 14, 10th May, 1941)	The Act was enacted to effect the redistribution of lands which had already passed to non-agriculturists. It enables the state to acquire land in the hands of non-agriculturists by purchase and to settle small holders on the land so acquired on a co-operative basis.	It prescribed the payment of market value for the land and reselling it at the same purchasing price in installment up to 25 years with fair interest rate.	Finance for these purchase need to be provided by borrowing or by means of govt. bonds. Land Commissioner shall proceed to purchase land.	Procedures were too complicated and numerous. British Govt. left Burma until the Act was in force.	A long-term remedial measure to forbid permanent transfer of land from one non-agriculturist to another except by inheritance. The time frame was long but the problem needed immediate solution.
27	The Burma Land and Revenue (Amendment) Act, (Burma Act 13, 1941) (10th May, 1941)	To amend section 44 of Burma Land and Revenue Act 1897 regarding the period of Notice.				

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
28	Money Lenders Act, 1945 (Burma Act No. 27 of 1945)	To protect the poor farmers from money lenders in exploiting with high interest rates.	No court shall pass a decree in respect of interest at rates exceeding 12% per annum in case of secured loan.	After the assumption of the reign of Govt. by AFPFL, this Act was promulgated on April 18, 1946.	Legal impact was not significant. Money lenders ignored this Act.	Farmers could not gain benefit out of this Act.
29	The Land and Revenue (Amendment) Act, 1945 (Burma Act No.12 of 1945)	It is an amendment of section 58 of 1876 Act, prescribing penalty for false application to get remission of any of revenue		SLRD	On going	
30	The Land and Revenue (Amendment) Act, 1946 (Burma Act No, 64 of 1946)	It is also an amendment of 1876 Land Revenue Act by adding Explanation 1A to Section 7 regarding the case arising out of war during which land was relinquished and regained possession.		SLRD	On going	
31	The Land Disputes (Summary Jurisdiction) (Amendment) Act, 1946 (Burma Act No, 15 of 1946)	It attempts to solve the problem arising out of war	It is and amendment of 1945 Act forbidding the occupation by new comer on the land previously occupied by the agriculturist.	Juridical case		It is not applicable to landlord but cultivators who actually carry out farming on the disputed land
32	The Land Disputes (Summary Jurisdiction) (Second Amendment) Act,1946 (Burma Act No, 24 of 1946)	To help revive the landlordism after WWII, the British Government enacted this Act.	It is a second amendment to 1945 Act stating specified period after notice.			
33	The Tenancy Act, 1946 (Burma Act 21, 2nd July, 1946)	The returned British government attempted to restore the land ownership and tenure security by prescribing standard rent.	The standard rent is fixed by lower and upper range at specified level of crop yield. Local variation is fixed by the respective revenue officer.	Bar to jurisdiction of Civil Court; Revenue officer is entrusted to deal with the matter	ineffective	The act contains provision to strongly protect farmers by conferring absolute right to remove produce for his family subsistence from the tenancy; The role of Civil Court is removed.
34	The 1947 Tenancy Rules (Notification of Agriculture Department, 8th, March, 1947)	To set the maximum limit of tenancy rent and interest rate for favour of tenant	Prescribed procedures for determining rent, and interest rate, and allowance for subsistence limit of agriculturist's family.	Revenue officer	ineffective	Landlordism started to deteriorate. Several absentee landowners did not come back Myanmar. Land Transfer was made by their agents. These pressures became weak.
35	The Advances to Cultivators (Recovery) Act, 1946 (Burma Act No. 31 of 1946)	Advanced money was issued to farmers during British Military rule. Farmers are liable to pay back to the government. The Act prescribes to recover the loan.	Claim on the payment for advances with interest; Payment in kind may be fixed in terms of market rate.	Dy. Commissioner	ineffective	Immediate recovery was postponed in case of crop failure or any hardship on farmer side.
36	The Lower Burma Town and Village Lands (Amendment) Act, 1947 (Burma Act No.8 of 1947)	To amend the 1898 Lower Burma Town and Village Lands Act.	Whereas rights of owner of land are infringed or disturbed by the govt. or its agency, the government shall pay compensation to the owner.	Township Admin officer		
37	The Land and Revenue (Amendment) Act, 1947 (Burma Act No. 6 of 1947)	To amend the 1876 Land and Revenue Act.	Land rate in lieu of capitation tax shall be omitted.	Revenue Officer SLRD	On-going	Removal of head tax to reduce the burden of cultivators.

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/ on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
38	The Upper Burma Land and Revenue Regulation (Amendment) Act, 1947 (Burma Act No. 7 of 1947)	To amend the Upper Burma Land and Revenue Regulation of 1889	To omit <i>Tatthameda</i> tax. To provide compensation by govt. to owner of land for causing disturbances.	Revenue Officer SLRD	On-going	
39	The Tenancy Standard Rent Act, 1947 (Burma Act No. 78 of 1947 (9th, Dec, 1947)	To substitute the controversial fair rent with standard rent	The standard rent shall be reckoned as twice the amount of land revenue payable. Rent shall be paid with in cash or kind.	Revenue Officer	Abolish	in favor of cultivator
40	The Agricultural Debts Moratorium Act, 1947 (Burma Act No.24 of 1947)	Attempted to rehabilitate agriculture by suspension of payments of debt for a specified period.	Moratorium is proclaimed in respect of all debt contracted by the debtor before October 16, 1945	Dy Commissioner	Ineffective	To help farmers
41	The Burma Agriculturists Debt Relief Act, 1947 (Burma Act No. 72 of 1947)	To scale down the farmer's old and new debt with his creditor (a war-time adjustment)	Under a debt of Rs. 10000, scaling down the repayment was prescribed. Calculation of interest is set at 6.25% per year. Only simple interest is reckoned	Dy Commissioner	Ineffective	To keep suppress the landlordism, this Act contributes
42	The Agricultural Laborers' Minimum Wages Act, 1948	To equalize the advantages of tenant and agricultural laborer, this act was enacted; To improve the conditions of laborers at the same level with farmers.	Different classes of laborers are defined. Minimum wages of each class are prescribed; limit the work load of laborers; penalty imposed;	Civil Court	Ineffective	Protect the right of farm laborers during Parliament Democracy Period.
43	The Tenancy (Amendment) Act 1948 (Burma Act No. 7 of 1948)	To add amendment at Section 62 of restricting the extent of claim upon farmers.	Where any cultivation agrees to sell out right his interest in the standing crops which he cultivated, the purchases shall not be entitled to the produce so sold which is in excess of the amount that the purchases can lawfully claim.	Bar to the Civil Court; Dy-Commissioner, Revenue Officer.	Abolish	Protect the part of farm produce for supporting the subsistence requirement of farm family.
44	The Tenancy Standard Rent (Amendment) Act, 1948. (Act No. 13 of 1948)	To scale down the extent of rent that had been prescribed in Tenancy Std. Rent Act, 1948 for those lands left uncultivated	For cropland which has been left uncultivated for the past 3 years, payment of rent shall not exceed the amount of land revenue payable in respect of such land.	Dy-Commissioner Revenue Officer.	Abolish	Protect the tenants who for some reason had left the land uncultivated by scaling down the amount payable
45	The Disposal of Tenancies Act, 1948 (Burma Act No. 4 of 1948)	This Act was enacted for regulating or controlling the lease of agricultural land to any person with a view to maintaining or increasing cultivation essential to the economic rehabilitation of Myanmar.	The governor may control the lease of agricultural land to any tenant or prescribe the nature of crops to be provided; To ensure that the standard rent be paid; penalty is enforced for any obstruction on this Act.	Any person as authorized by the Government	Abolish	It is made clear that the state regulates the lease of land and payment of standard rent
46	The Disposal of Tenancies (Amendment) Act, 1948 (Act No. 12 of 1948)	To add a single amendment of the Disposal of Tenancies (Amendment) Act, 1948	The expression "cultivation of land" is substituted with: cultivation of the same land" provision (a) to Section 3 of the 1948 Act.			
47	The Land Nationalization Act, 1948 (Act No. 60 of 1948)	The ultimate aim is to abolish the landlordism; the state, as the ultimate owner of all lands, would see to their equitable distribution among the	Subject to the National Constitution, the State shall have the right to regulate, alter, or abolish land tenures or resume possession of any	The 1948 Act was enacted shortly after Independence and had only a short trial	It focuses on poor and landless rural people for access to land for farming. From error and trials, the act	

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		landless peasantry	land and distribute the same for co-operative farming or tenants; size of land that has to be distributed is based on "one yoke of cattle" and number of household members, and the available land for a village community	in Thanlyn Township.	was improved. Repealed by 1953 Act	
48	The Standard Rent Act, 1950 (Burma Act No. 42, 1950) (16th October, 1950)	No available record yet				
49	The Standard Rent (Amendment) Act, 1951	No available record yet.				
50	The Disposal of Tenancies Act, 1953.	No available record yet.				
51	The Land Nationalization Act, 1953(Act No.75 of 1953, As Amended by Act No.22 of 1953) (30.3.1954), As Amended by Act No.54 (19 th Oct 1955) and As Amended by Act No.49 (16 th Oct 1957)	To abolish landlordism, this Act was enacted with provision for resumption of land and distribution to the entitled farmers.	Legal framework is divided into 20 chapters describing prohibition of transfer and resumption of agricultural land and exemption; distribution on lands; right over and conditions for distributed and exempted lands; appointment of land committees at different levels in the country, and their status and power; bar to jurisdiction of Civil Court; compensation , etc.	Land Nationalization Committee from Central Committee to Village Committee are authorized. No civil court shall have jurisdiction under this Act.	Still enforced	To provide poor and landless rural people access to land for farming by themselves, depending upon the availability of land resumed by the power of state.
52	The Agriculturist's Rights Protection Law of 1963 (The Union of Myanmar Revolutionary Council Law No. 91 of 1963 (25.3.63)	To uproot the landlordism and to protect the peasants from being exploited by means of tenancy.	Any Civil Court by its decree shall not attach warrant and seize the agricultural land, cattle, equipments; shall not prohibit not to cultivate; shall not remove, or not to dispose cattle, tractors, equipments of farmers (Not applicable for Rubber land)	Civil Court	Still effective	Protect the peasants but not farm laborers; Rubber land is also excluded under this Act
53	The Disposal of Tenancies Law, 1963 (15. March 1963) (The Union of Myanmar Revaluation Council Law No 8 of 1963) (25th March 1963)	Landlords are prohibited in disposal of tenancy. The right to dispose of tenancy is ceased. Only the government shall dispose of tenancy.	The right to dispose of landlord in respect of agricultural land shall be ceased. The tenants who are disposed of tenancy by the landlord on the agricultural land, need not to pay the rent to the landlord.	Civil Court or Revenue Court	Still effective The Disposal of Tenancies Act, 1953 is repealed by this Law.	
54	The Disposal of Tenancies Rules, 1963 issued by Notification No.89 (28th March 1963)	The 1953 Disposal of Tenancies Rules was repealed by this Notification No. 89, 1963. It prescribed the formation of the Committees, matters of alluvial lands and agricultural laborers, priority setting in disposal of tenancies.	If there are no present cultivators or if the present cultivators deny to cultivate continuously, or if the agricultural land is resumed possession by the state on default of cultivation, it shall be disposed of tenancy as follow:- (1) Agricultural laborers including worker on daily wage and laborer shall be made the list serially according to the poor and rich	Formation of the Town Land Committee and Township Land Committee in town, Central Security and Administrative Committee may issue the directives to conform the division of administrative	On-going	Village Tract Land Committee and Town Land Committee shall manage to pay fair wages by the cultivators to their agricultural laborers, and laborers as possible as they can do. In respect of this matter, Central Land Committee shall issue directives from time to time for carrying out the tasks.

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/ on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
			laborers, and in making the list, the poorest shall be the first and the richest shall be the last. (2) Tenants who cultivate the agricultural land insufficiently shall be made the list serially according to the poor and rich cultivator, and in making the list, the most insufficient shall be the first and the most sufficient shall be the last.	area from time to time		
55	The Standard Rent Act Amending Law, 1963	No available				
56	1965 The Law Amending the Disposal of Tenancies Law (The Union of Myanmar Revolutionary Council Law No.2)	The Revolutionary Council abolished rents to establish socialism for the interests of agriculturists, workers and entire people.	Transferring the power of disposing the tenancy to the Village Tract Land Committees from the landlord by the Disposal of Tenancies Law. Totally prohibiting the attachment of warrant the agricultural land, house, cart, cattle and equipments for the debt by prescribing the Agriculturist's Rights of Protection Law. Totally prohibiting the non-agriculturists not to occupy the agricultural land.	Village Tract Land committee	On-going The laws mentioned below shall be repealed by this Law: (a) The Standard Rent Act, 1950. (b) The Standard Rent (Amendment) Act 1951 (c) The Standard Rent (Amendment) Act 1954 (d) The Standard Rent Act Amending	Farmers are pulled out of the tenancy
57	Proclamation No.1 of 1965 Abolishing the Rents (6th April 1965)	The Revolutionary Council abolished rents to establish socialism for the interests of agriculturists, workers and entire people.	Transferring the power of disposing the tenancy to the Village Tract Land Committees from the landlord by the Disposal of Tenancies Law. Totally prohibiting the attachment of warrant the agricultural land, house, cart, cattle and equipments for the debt by prescribing the Agriculturist's Rights of Protection Law. Totally prohibiting the non-agriculturists not to occupy the agricultural land.	Village Tract Land committee		
58	Union of the Government of Myanmar, Ministry of Agriculture and Forest Notification (32/88) 30th Dec, 1988. Authorization to exercise power and authority in dealing with agricultural land administration	In accordance with the "Adaptation of Expression of Law" of the State Law and Order Restoration Council Law No.8/88 the Government authorizes the person or organization to carry out the agricultural land management tasks with the following power vested.	Responsibility and authority of Peoples' Council and Executive Committee at different levels and tasks of agricultural land management prescribed in Section 13, Subsection i, j, k, l, m, n and p will be carried out by Divisional or State Settlement and Land Records Officer at the level of Division/State. Responsibilities and authorities of Peoples' Council and Executive Committee at different levels and tasks of agricultural land	Divisional or State Settlement and Land Records Officer, Township Settlement and Land Records Officer, and/Village Tract Law and Order Restoration Council	On-going	

Sr	Law/Act	Purpose of Law Explicit or Implicit	Major Elements (Main Aspects)	Implemented by Whom?	Status of Law Abolish/ on-going/Ineffective	Limitation Complaint (From the perspective of protecting farmers)
			management prescribed in Section 113 will be carried out by Ward/ Village Tract Law and Order Restoration Council at the level of Ward/ Village Tract..			
59	Prescribing duties and rights of the Central Committee for the management of cultivable land, fallow land and waste land, 13th November, 1991		With no change in rules of 1953 Land Nationalization Act, SLORC formed a central committee for the management of cultural land, fallow land and waste land in 1991. The Govt. grants the right to private companies, individual, JV, Co-op, SOEs to cultivate and utilize land for agriculture. Livestock, aqua-culture enterprise; The Central Committee is to scrutinize this matter. perennial crops up to a total of 50000 acres, Seasonal crops 1000 acres, Aquaculture 2000 acres, livestock and Poultry Farming 500 to 5000 acres.	MOAI Central Committee for the Management of cultivable land, fallow land and waste land	On-going	Oriented to commercial enterprises and private companies.

FORM LR103

Register Book No.....
 Application No.
 Date of Submission

**Part I. Application for requesting copies of Record and Map.
 (To be entered by the applicant).**

- | | |
|---|----------------|
| 1. Do you use this copy as evidence at court? | Yes/ No |
| 2. Details of the requested land plot : | |
| (a) Township | |
| (b) Ward/ Village tract | |
| (c) Road and No. | |
| (d) Kwin/Block No. | |
| Name | |
| (e) Holding No. | |
| (f) Land Type(kind) | |
| (g) Area | |
| (h) Status. | |
| 3. The purpose of applying | |
| | |
| 4. Why applicant is in relation with this plot? (attach with documents) | |
| | |
| 5. Applicant's Signature- | |
| Name | |
| N.R.C No. | |
| Address | |

Application No.
 Date of Submission

Part II. Inspection, Grant to copy, and Verification.

1. Giving order to Inspector/Record-keeper for Checking and Inspection.
 Date Signature-
2. Set resubmission date of inspection-findings from Inspector/ Record-keeper to Officer.
 Date Signature-
3. Inspection findings (in brief). (a) Land use on ground (b) Map updating **updated/none** (if not updated please explain)
4. Giving permission to copy the records by Township Officer-
 Date Signature-
5. Date of resubmission of copy of records by Record-keeper/Surveyor. Date
 Signature-
6. Date of verification and submission done by Inspector/ Record-keeper.
 Date Signature-
7. Date of verification and approved by Township land Records Officer.
 Date Signature-

Application No.
 Date of Submission

Part III. Copying-fees, Court stamp fees and issuing.

1. Holding Area.
 2. Copying fees (Kyats.....)
 3. Informed date to applicant about amount of copying fees
 4. Date of paid for copying fees
 5. The above copying fees (Kyats) has been received.
- | | |
|----------------------|-----------|
| <u>Record-keeper</u> | Signature |
| Surveyor | |
6. The value of the court-fees stamp for certified copy. (Kyats)
 7. Date on which copy was ready for issue.
 Date
 8. Date of issue to applicant.
 Date
 9. Date of received by the applicant.
 10. Date

Application No.
 Date of Submission

Part IV. Giving date to come to get duplicate copy to the applicant. (Giving receipt to the applicant)

1. After the copying-fees has been paid by the applicant to the record-keeper/surveyor, the record-keeper/surveyor has to sign his signature on receipt here under attached.
 Date
 Township Land Records Officer
 Signature
 2. The amount of copying fees has been paid by the applicant and have received it.
 Date
- | | |
|----------------------|-----------|
| <u>Record-keeper</u> | Signature |
| Surveyor | |
- 3 The certified copy is ready to issue on the date of but certified signature will be signed after affixed the value of the court-fees stamp.
 4. Date of completed application form.
- | | |
|----------------------|-----------|
| <u>Record-keeper</u> | Signature |
| Surveyor | |

FORM LR105



Certified
 Uncertified
 N
 ↑
 Scale inch: 1 mile

Copy for the present year's holding in the current map and register

Court-fee stamp to affix

District	
Township	
Ward/Village Tract	
Kwin/Block No. and Name	
Holding No.	

Holding No.	Name of Assessee/ Tenure/ Grant/ Lease/License	Status	Type of Land and Class	Area (acre)	Remarks

The purpose of request duplicate

(Allow to use only for this purpose)

Name of applicant-

Date of submission

Date of issue to applicant



This is to certify that the above duplicate map is true and accurate, those entries were copied from Annual Supplementary Survey Registers of the year/.....

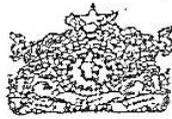
Record-keeper/Surveyor's signature

Date

Verified by myself

Inspector's signature

Date



မြေစာရင်းပုံစံ-၁၀၅

မှန်ကြောင်း သက်သေခံ
ထုတ်ဖော်

သောလတ်ရှိမြေပုံတွင် လာရနှစ်အသုံးပြုသော ဦးပိုင်မြေပုံလက်ခံရေးတူးရန်ပုံစံ

မြို့ခွန်ထံဆိပ်တောင်းတပ်ရန်

ရေကူး - ဆပ်ပိုင်

မိုင် -

မြို့နယ် -

ရပ်ထွက်/လော့ဂျာကုန်ရ

တွင်း/အတွယ်အခွယ်
နှင့်အမည်

ဦးပိုင်အမှတ်-

ဦးပိုင် အမှတ်	အခွန်စည်းကြပ်ခြင်းခံရသူ ပိုင်ရှင်အမည်၊ ဝရန်ရှင်/ အငှားဝရန်ရှင်	ပိုင်ဆိုင်ခွင့်	ပြေငြိမ်းနှင့်အသုံး	ဧရိယာ (ဧက)	မှတ်ချက်

ရေးတူးဝေးသည့်အကြောင်းအရာ -
(ခော်ငြိုဝါအကြောင်းအရာအတွက်သာအသုံးပြုခွင့်ရှိသည်)
လျှောက်ထားသူအမည် -
လျှောက်လွှာထင်သည့်နေ့စွဲ -
လျှောက်သူသို့လက်ခံရေးထပ်သည့်နေ့စွဲ -

မြို့ထံဆိပ်

လာရအလယ်တွင်ပြဆိုသောမြေပုံမှာမှန်သန်သော မျှော့ဖွားရေးတူးသော မှန်အတွက်
ဖောက်ထုတ်လှည့်လှမ်းအခြေပြင်ကြောင်းအစီအစဉ်အောက်ဖော်ပြပါအတိုင်းဖြစ်ပါသည်။
အခွတွဲထိန်း/ပြေထိုင်စာရေးလက်မှတ် -
နေ့စွဲ -
ထိုက်ထိုင်စစ်ဆေးပြီးမှန်ထိန်းပါသည်။
လက်ထောက်ဦးစီးမှူးလက်မှတ် -
နေ့စွဲ -

UN HABITAT

United Nations Human Settlements Programme
No 6, Natmauk Road
Tel: 95-1-542910~919 Ext. 135
Fax: 95-1-544531, 545634
Email: un.habitat.mya@gmail.com
desk@unhabitat.org
www.unhabitat.org
Yangon, Myanmar



UNHCR

United Nations High Commissioner for Refugees
287, Pyay Road
Sanchaung Township
P.O. Box 1485
Tel: 95-1-524022-24-25
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