**The Land Acquisition, Resettlement and Rehabilitation Law**

**(The Pyidaungsu Hluttaw Law No. 24/2019)**

**19 August 2019**

The Pyidaungsu Hluttaw hereby enacts this Law.

**Chapter I**

**Titles, Commencement, Applicable and Definitions**

1. This Law shall be called the Land Acquisition, Resettlement and Rehabilitation Law; and
2. This Law shall come into force on such date as the President, by official notification, may appoint.
3. The provisions of this Law shall apply for land acquisition, compensation, payment of damages, resettlement, social and economic rehabilitation when a land is acquired by the Union Government or with the approval of the Union Government for public purpose, including its permanent or temporary use, hold and supervise, as may be necessary, and shall apply to following purposes, namely:
4. land required for national defense and security matters;
5. projects to be carried out for the development of the country in accordance with the national economic policy;
6. socioeconomic development projects as set out in the National Planning Law;
7. projects for the improvement of urban areas and villages, and infrastructure development projects;
8. rehabilitation and resettlement matters; and
9. acquisition of land in accordance with any existing law except compensation and damage for reclamation of vacant, fellow and virgin land in accordance with the Vacant, Fellow and Virgin Land Law, or acquisition of land in accordance with the Farm Land Law.
10. The following terms expressed in this Law shall have the meanings given hereunder; --
11. **Land** includes land and the interest arising out of land, objects affixed to land or objects permanently attached to any object affixed to the land;
12. **Household** means family members of that household, who live together, who could be either blood-related or related through marriage;
13. **Landowner** means a person and his household who owns the land with strong evidence and who are entitled to demand compensation, damages and other entitlements bestowed by this Law for being affected by land acquisition. The term also includes following affected persons;
	1. a person who is officially registered in the land record in accordance with any existing law as the owner or person who has the right to hold or use land or a building or part thereof,
	2. a person who has acquired the land or had the ownership right for the land in accordance with any existing law,
	3. a person who has been declared or enrolled as the Landowner under any order of court or authorized person or entity, and
	4. a person who is accepted by local community and recognized by the Nay Pyi Taw Council or relevant Region or State Government as the owner according to customary practices of ethnic nationalities, though he/she has no legal document.
14. **Department or Organization that Proposes for Land Acquisition** means the government department or government organization that has proposed to acquire land for public purposes in accordance with this Law;
15. **Notification Declaring the Necessity for Land Acquisition** means a transparent announcement to the public that there is an intention to acquire the land; or the public can raise any objection or demand any entitlements or know land acquisition process;
16. **Notification Declaring the Intent of Land Acquisition** means a transparent announcement to the public that land will be acquired subject to the approval of the Union Government after the completion of the sufficient preliminary test;
17. **Taking Possession** means the acquisition of land by the Land Acquisition Implementation Body in accordance with this Law to enable it to be transferred to the Department or Organization that Proposes for Land Acquisition as the state-owned land free of encumbrances;
18. **Public Purpose** means undertaking land acquisition to a minimum for the purposes under Section 2 of this Law for public interests;
19. **Court** means a concerned Region or State High court and district court that has a jurisdiction;
20. **Harmful Effect** means loss and damage of either one or multiple personal interests due to land acquisition as hereunder:
	1. Loss of the acquired land or building erected and other immovable property on the land,
	2. Loss of the acquired land on which livelihood activities or economic activity are conducted, and
	3. Adverse impact on career and livelihood that relies on the legally owned land which has been acquired.
21. **Person related to the Acquired Land** includes the following persons related to the land and affected by land acquisition:
	1. Sharecropper,
	2. Tenant,
	3. Joint-venture partner, and
	4. A person who may be genuinely working in the affected area for 12 years consecutively prior to the acquisition of the land as a person operating on such land in his or her possession or as a pieceworker or a farm worker even though he or she does not legally own it.
22. **Affected Persons** mean landowner and person related to the acquired land who are affected by the land acquisition;
23. **Urgent Acquisition** means the prompt acquisition of land for the public interest due to unavoidable circumstances as a result of emergency situation;
24. **Temporary Acquisition** means the acquisition of land for public interest and temporary use for a designated period that is not in excess of five years, without the intention of using the land for the long term;
25. **Cost of Land Acquisition** includes the following cost for undertaking land acquisition;
	1. compensation and damages,
	2. general costs including the costs for basic infrastructure development projects to carry out resettlement and rehabilitation activities in accordance with the negotiated agreement between a landowner and Department or Organization that Proposes for Land Acquisition, and
	3. administration and management costs.
26. **Compensation** means the money paid to the landowner to compensate for the land acquired and building erected or other immovable property or crops thereon;
27. **Damages** mean the money provided to affected persons to compensate for the following damages due to the land acquisition;
	1. Living costs and meal costs for a landowner before resettlement,
	2. Loss of income due to termination of livelihood activities and jobs, and
	3. Loss and damage of buildings and crops for carrying out land survey, erecting sign posts, and clearing land to be acquired.
28. **Relocation Expenses** includes the expenses incurred due to being relocated or removed from the acquired land as well as the support provided for settling at the relocation site.
29. Resettlement means an arrangement to provide residential buildings and infrastructure to the Landowner relocated from the acquired land in accordance with any entitled rights voluntarily chosen to enjoy by Landowner and with the negotiated agreement with the department or organisation proposed to acquire the land.
30. Rehabilitation includes arrangements to restore socio-economic life of people whose interest has been negatively affected by the land acquisition through the provision of job opportunities, livelihood activities, transitional expenses and social support, in accordance with any entitled rights voluntarily chosen to enjoy by a Landowner in line with provisions contained in Chapter VII of this Law and with the negotiated agreement with the Department or Organization that Proposes for Land Acquisition;
31. **Central Committee** means the central committee concerning land acquisition, resettlement and rehabilitation formed by the Union Government in accordance with this Law.
32. **Responsible Ministry** means any Union Ministry delegated by the Union Government in accordance with this Law.
33. **Department** means the Department delegated by the Responsible Ministry in accordance with this Law.
34. **Land Acquisition Implementation Body** means the Region or State or Nay Pyi Taw Land Acquisition Implementation Body formed by the Central Committee in accordance with this Law, which is delegated to undertake all matters related to a land acquisition when notification to acquire the land is issued.
35. **Resettlement and Rehabilitation Implementation Body** means the Region or State or Nay Pyi Taw work implementation body formed by the Central Committee in accordance with this Law and which is delegated to undertake the process for resettlement and rehabilitation for a Landowner; and
36. **Field Investigation Sub-Team** means a sub-team formed by a relevant Region or State Government or Nay Pyi Taw Council in accordance with this Law which is delegated to conduct field investigation on matters related to land acquisition.

**Chapter II**

**Objectives**

1. The objectives of this Law are as follows -
	1. to implement land acquisition activities based on National Land Use Policy approved by the Union Government in accordance with this Law for public interests;
	2. to protect the interest of a person whose land is legally acquired for public purposes;
	3. to acquire the land through a process involving affected persons and local people by the issuance of a prior notice, negotiation, and decisions in a transparent manner;
	4. to ensure fair compensation and damages for affected persons;
	5. to provide resettlement and socioeconomic rehabilitation for the Landowner as agreed between the Department or Organization that Proposes for Land Acquisition and the landowner for the damage incurred from a relinquishment of land due to land acquisition; and
	6. to prevent adverse environmental and socioeconomic impacts resulting from the use of acquired land.

**Chapter III**

**Establishment of the Central Committee and its Responsibilities**

1. The Union Government -
	1. shall establish the Land Acquisition, Resettlement and Rehabilitation Central Committee, which consists of a Vice-President as the chairman, and ministers from concerned union ministries, officials and experts from government departments and organizations as members, for the purpose of effectively implementing the provisions of this Law;
	2. shall appoint an appropriate member of the Central Committee established under Sub-section (a) as a secretary, and may appoint a vice-chairman and a joint-secretary if necessary; and
	3. may reform the Central Committee established under Sub-section (a).
2. The responsibilities of the Central Committee are as follows -
	1. Setting out policies of land acquisition, resettlement and rehabilitation; issuing directives in accordance with the aforementioned policies; and supervising the implementation process;
	2. reviewing the proposal of land acquisitions submitted by any union-level body or Region or State Government or Nay Pyi Taw Council and issuing Notification Declaring the Necessity for Land Acquisition;
	3. reviewing the comment on whether the land should be acquired that is submitted by Nay Pyi Taw Council or the relevant Region or State Government and submitting it to the Union Government along with its opinion;
	4. establishing and assigning duties to the Region or State or Nay Pyi Taw Council Land Acquisition Implementation Committee with officials from the relevant government departments and organizations, Landowners, local representatives, ethnic representatives, and experts, for the purpose of implementing the processes of land acquisition;
	5. establishing and assigning duties to Region or State or Nay Pyi Taw Council Resettlement and Rehabilitation Implementation Committee with officials from the relevant government departments and organizations, Landowners, local representatives, ethnic representatives, and experts for the purpose of implementing resettlement and rehabilitation schemes related to land acquisition;
	6. coordinating among the relevant ministries, government departments and government bodies, the Resettlement and Rehabilitation Implementation Committees, and the Land Acquisition Implementation Committees in implementing the provisions under this Law;
	7. providing necessary instructions for urgent and temporary land acquisition for public purposes; and
	8. supervising and overseeing land acquisition, resettlement and rehabilitation processes in a transparent manner taking accountability and responsibility without corruption and abuse of power.

**Chapter IV**

**Proposal for Land Acquisition, Evaluation and Preliminary Investigation**

1. The following government departments and government bodies may have the right to propose for land acquisition under this Law:
2. Union-level ministries and bodies, government departments and government organizations; and
3. Nay Pyi Taw Council or Region or State Governments.
4. Any department or organization under Section 7 that needs to use the land for public purpose for any of the following purposes shall submit the proposal to the Central Committee in accordance with stipulations -
	1. Project that will be implemented by the department or organization that proposes for land acquisition;
	2. Project that will be jointly invested and implemented; and
	3. Project that will be implemented by international or domestic donation or aid for the State and public in accordance with existing laws.
5. The proposal for land acquisition for public purpose shall include the following supporting documents -
6. Proposal signed either by the project proponent or the person authorized to propose;
7. A land map and land history or a draft map in the case of not fully surveyed, location, and estimated area of the proposed land;
8. Statement of the grounds for requiring the land to be used for public purposes and the expected land use plan;
9. Statement on whether any religious buildings, graveyards or tombs exist on the land; if such structures exist, statement of opinion on exclusion of such structures; and if desired to acquire the land without excluding such structures, agreement with the relevant responsible person and undertaking to take responsibility for expenses including the expense for relocating of such structures;
10. Environmental impact assessment report and socioeconomic impact assessment report of the project to be implemented on the proposed land, which are prepared in accordance with the Environmental Conservation Law, Rules and Environment Impact Assessment Procedures;
11. Resettlement and rehabilitation plan and proposal for landowners of the proposed land;
12. Undertaking by the project proponent to take responsibility for all financial matters that will arise during each and every process of land acquisition;
13. Statement of sufficient grounds for urgent acquisition or temporary acquisition, if such acquisition is necessary; and
14. Administrative approval by the Department or Organization that Proposes for Land Acquisition.
15. The Central Committee shall review the proposal stating that a particular land is needed, and send a notice along with the proposal to the relevant Region of State Government or Naypyidaw Council to conduct a field investigation and to provide comments on whether the land should be acquired or not. The copy of such notice shall be sent to the responsible ministry.
16. When the Central Committee notifies the relevant Region or State Government or Nay Pyi Taw Council under Section 10, the relevant Region or State Government or Nay Pyi Taw Council shall review the proposal stating that the land is needed, and if all necessary documents under Section 9 are included, shall lay down plans and carry out the following -
	1. conducting a field investigation on the proposed land, explaining the public to ensure that the proposal for land acquisition is clearly understood by the public and procuring opinions; inviting the relevant members of parliament to such meetings;
	2. cross-checking against the reality on the ground condition, the submissions of the Department or Organization that Proposes for Land Acquisition with respect to the prospects of socioeconomic impacts and environmental impacts on the affected persons at the land intended for acquisition;
	3. coordinating the resettlement and rehabilitation schemes of the Department or Organization that Proposes for Land Acquisition, based on the opinions of experts and demands of the affected persons;
	4. reviewing whether or not the proposed land acquisition serves the interests of the State and people;
	5. reviewing whether the resettlement and rehabilitation plan attached to the proposal is sufficient or not;
	6. seeking comments from other departments and external experts; and
	7. evaluating the findings, and reporting them to the Central Committee along with recommendations.
17. In order to implement the functions mentioned in Section 11 and other necessary investigations, the relevant Region or State Government or Nay Pyi Taw Council shall form one or more Field Investigation Sub-Teams with appropriate persons and experts from the relevant government departments and organizations in order to assign the duties.
18. Field Investigation Sub-Team –
19. may enter upon the proposed land after noticing affected persons 7 days in advance and carry out necessary activities in order to ensure that such land is appropriate to be used or not;
20. shall conduct field surveying, and survey affected persons and how they will be affected; and
21. shall report the findings from such filed surveying and activities to the Nay Pyi Taw Council or the relevant Region or State Government.
22. The relevant Region or State Government or Naypyidaw Council –
	1. shall submit the findings of the investigation on the proposal that the land is required for acquisition, and its recommendation on whether or not the proposed land should be acquired for public purposes to the Central Committee along with the opinion of the representatives of the parliament; and
	2. shall, if it is recommended to acquire the proposed land for public purposes, report the Central Body by submitting a draft Notification Declaring the Intent of Land Acquisition for public knowledge.
23. If the land and building proposed to be acquired as per Section 15 is applicable to any of the following criteria, the Central Committee may acquire such land and building only after obtaining the approval from the Pyidaungsu Hluttaw through the Union Government -
	1. Lands where historical artifacts and historical buildings are located that are being preserved under existing law;
	2. Places with historical heritage;
	3. Prominent areas, buildings, compounds, and commemorative landmarks that have a deep and verifiable history and that are valued and preserved by the public; and
	4. Land used by ethnic groups for traditional purposes and sites being protected as sacred places.

**Chapter V**

**Issuing Notification Declaring the Necessity of Land Acquisition and Submission of a Letter of Objection**

1. The Central Committee -
	1. shall issue a Notification Declaring the Necessity of Land Acquisition, if it finds that the proposed land is required for public purposes after reviewing and evaluating the proposal;
	2. shall include the following criteria in the notification to be issued under Sub-section (a) -
2. region, state, or union territories, district, township, ward or village-tract where the land is located or number, name, estimated area of field or plot, type of land, and other information related to the land, and
3. reasons why the proposed land will be needed for public purposes and which government department or body will use the same for its functions.
	1. The following criteria shall be included in the notification issued under Sub-section (a)-
4. order assigning duties to the Land Acquisition Implementation Body and the Resettlement and Rehabilitation Implementation Body,
5. summary of the findings of the socioeconomic impact assessment and environmental impact assessment attached to the proposal, and the process to be carried out, and
6. summary of the projected plan for resettlement and rehabilitation.

(d) When the notification declaring the intent of land acquisition has been issued, the Land Acquisition Implementation Body shall negotiate with the landowner of the proposed land before implementing its duties, and shall notify the department and/or organisation that proposes to acquire land to purchase and transfer the land;

(e) If the department and/or organisation that proposes to acquire land does not reach to an agreement although it negotiated with the landowner as notified under per Sub-Section (d), the Land Acquisition Implementation Body shall continue its functions.

1. The Notification Declaring the Necessity of Land Acquisition:
2. shall be published in the Myanmar gazette, and in daily newspapers and local periodicals at least twice during the prescribed period, as well as posted on the public notice boards of the following offices, departments and locations for public awareness. The notification in a local language shall also be issued if necessary:
3. Nay Pyi Taw Council or the relevant Region or State Government,
4. Office of the district administrator, office of the township administrator, office of the ward or village-tract administrator in the area where the land is located,
5. township court, township development body’s office, markets owned by development bodies, and township information and public relations office in the area where the land is located, and
6. a notice board erected for the purpose of notifying the public in noticeable places at the area where the land is located.
7. shall broadcast the notification via television and radio if necessary; and
8. shall provide each of the affected person with a notice accompanied by the said notification in accordance with the Code of Civil Procedure.
9. If an affected person is not satisfied with the issuance of the Notification Declaring the Necessity of Land Acquisition, he or she may submit the letter of objection to the relevant Region or State Government or Nay Pyi Taw Council along with sufficient reasons and sound evidence, within 45 days from the date of such issuance; and
10. When the Nay Pyi Taw Council or the relevant Region or State Government receives the letter of objection under sub-section (a), it will investigate regarding such a letter and inform the Land Acquisition Implementation Body in order to procure to submit along with its recommendation.
11. The Land Acquisition Implementation Body:
	1. shall review the letter of objection submitted under Section 18 and allow the objector to explain in person or by his representative or lawyer;
	2. shall, if it discovers that it is unnecessary to acquire the land after the explanation of the objector as per sub-section (a), report to the Central Committee along with the recommendation of the Nay Pyi Taw Council or the relevant Region or State Government, in order to announce the revocation of the notification in the manner mentioned in Section 17 for public awareness; and
	3. shall, if it discovers that it is necessary to acquire the land for public purposes, report to the Central Committee, along with its recommendation that the land should be acquired, in order to proceed the land acquisition, and send a copy of such a report to the person who submitted the letter of objection.
12. The Central Committee:
13. shall, if the committee concurs with the report submitted under Section 19 (b), issue a notice stating that the Notification Declaring the Necessity of Land Acquisition issued under Section 16 and Section 17 has been revoked; and
14. shall, if the committee concurs with the report submitted under Section 19 (c), notify the Land Acquisition Implementation Body, the Resettlement and Rehabilitation Implementation Body, and the relevant Region or State Government or Naypyidaw Council to procced with the investigation for acquiring the proposed land.
15. The Land Acquisition Implementation Body shall notify the affected persons of the field investigation of the land intended for acquisition and the plan for soliciting the public opinion on the purpose and condition of land acquisition, at least 7 days in advance, and carry out the following functions by itself or by assigning the same to the Field Investigation Sub-Team:
	1. cross-checking the reality of the ground condition against the submissions of the Department or Organization that Proposes for Land Acquisition with respect to the prospects of socioeconomic impacts and environmental impacts on affected persons at the land intended for acquisition;
	2. negotiating and making agreement on the projected plans of resettlement and rehabilitation by the Department or Organization that Proposes for Land Acquisition, based on the opinions of experts and the demands of the landowner;
	3. inviting the letters of objection from the public including affected persons; accepting the letters of objection, hearing, requesting for supporting documents; and if necessary, conducting field investigations, with respect to the purposes and conditions of land acquisition;
	4. conducting land survey with a representative from the Department or Organization that Proposes for Land Acquisition, Landowner or his or her representative;
	5. making statistics of affected persons and the condition of harmful effects;
	6. preventing any loss or damage to fruits trees that are planted and facilities in the course of carrying out activities under sub-section (c), (d) and (e) and if any, damages shall be paid to affected persons based on the local market price; and
	7. recording the harmful effect on the interests of affected persons caused by field surveys, and calculating the damages based on the local market price.
16.
17. Affected persons may, if they are not satisfied with the actions undertaken by and damages paid at the market price by the Land Acquisition Implementation Body or Field Investigation Sub-Team under Section 21, file a complaint with the relevant Regional or State Government or Nay Pyi Taw Council within 30 days; and
18. The relevant Region or State Government or Nay Pyi Taw Council shall review the complaint filed under Sub-Section (a), and may issue an appropriate order which shall be final.
19. The Resettlement and Rehabilitation Implementation Body shall notify affected persons in order to verify as to whether projected plans for resettlement and rehabilitation by the Department or Organization that Proposes for Land Acquisition are consistent with the status of the harmful effects, at least 7 days in advance, and carry out the following functions by itself or by assigning the same to the Field Investigation Sub-Team:
	1. Duties of field investigation are as follows -
20. examining as to whether a relocation site is appropriate for settlement, and if so, the possible condition of implementation;
21. examining whether religious buildings, public schools, clinic, markets and offices can be re-built;
22. examining the extent of job creation;
23. examining the program of temporary stipend and the sufficiency of such programme;
24. examining the program the relevant government departments and organisations should provide to support the affected persons to continue their livelihoods; and
25. examining program for proper operation of supporting facilities such as education and health care.
	1. collaborating with the representative from the Department or Organization that Proposes for Land Acquisition, affected persons and their representatives, departmental experts, and other necessary persons and organizations in the course of conducting field investigation as per Sub-section (a); and
	2. requesting necessary supporting documents to be viewed, making copies, cross-checking and interviewing the persons deemed to be relevant in the course of carrying out as per Sub-sections (a) and (b).
26. The Field Investigation Sub-Team:
27. shall have the right to freely request the recommendation of the relevant government departments, organizations and experts. Moreover, it may also request their support; and
28. shall prepare and submit reports and findings of its field investigation, discovery, evaluation and recommendation to the Land Acquisition Implementation Body with respect to land acquisition, and to the Resettlement and Rehabilitation Implementation Body with respect to resettlement and rehabilitation.
29. The Land Acquisition Implementation Body and the Resettlement and Rehabilitation Implementation Body shall compile reports and findings of each Field Investigation Sub-Teams, and submit a report including its recommendation and evaluation to the relevant Region or State Government or Nay Pyi Taw Council.
30. The relevant Region or State Government or Nay Pyi Taw Council:
31. shall submit its findings and recommendation to the Central Body as to whether the land should be acquired for public purposes based on finding reports of the Land Acquisition Implementation Body and the Resettlement and Rehabilitation Implementation Body. If it recommends to acquire the land, a draft notification for land acquisition it shall also prepared and submitted at once; and
32. shall, if the relevant Department or Organization that Proposes for Land Acquisition renounced the proposal or in the event of involving the lands that should not be acquired as per the findings of the Land Acquisition Implementation Body, after the Notification Declaring the Necessity of Land Acquisition has been issued, revoke such notification, and revise or terminate the land acquisition works.
33. The Central Committee shall:
34. report to the Union Government its finding and recommendation on whether the proposed land should be acquired for public purposes after reviewing proposal and findings submitted by the Department or Organization that Proposes for Land Acquisition, and the recommendation submitted by the relevant Regional or State Government or Nay Pyi Taw Council as per Sub-Section 26(a); and
35. submit a draft notification along with the supporting documents for the proposal of land acquisition, if land acquisition for public purposes is recommended under Sub-Section (a).
36. The Union Government:
	1. shall make a decision on whether the proposed land shall be acquired for public purposes or not after reviewing the recommendation and supporting documents for the proposal of land acquisition submitted under Section 27. Such a decision shall be final; and
	2. shall, if decided to acquire the proposed land for public purpose as per Sub-section (a), notify the Central Committee in order that the responsible ministry shall issue the notification of land acquisition in accordance with Sections 16 and 17. The copy of such a notice shall be sent to the responsible ministry and Nay Pyi Taw Council or the relevant Region or State Government.
37. The Central Committee shall notify the responsible ministry and the relevant Region or State Government or Nay Pyi Taw Council and Land Acquisition Implementation Body to proceed with further activities after receiving the notice from the Union Government under Section 28.
38. Upon receiving the notice under Section 29, the Land Acquisition Implementation Body shall, before issuing the notification of land acquisition, calculate in advance the estimated costs for office functions, field investigation, compensation and damages to be paid out, as well as governance and administration expenses, and collect such expenses from the Department or Organization that Proposes for Land Acquisition that shall then be submitted to the Department. The Body shall commence its land acquisition process only after the Department has received and maintained such expenses.

**Chapter VI**

**Notification of Land Acquisition and Taking Possession of Land**

1. When the Central Committee notifies as per Section 29, the responsible ministry shall issue a notification of land acquisition for public purposes and inform the public in manners mentioned in Sections 16 and 17.
2. The Land Acquisition Implementation Body shall carry out the following as necessary after the responsible ministry has issued the notification of land acquisition and informed the public under Section 31:
	1. publicizing the notification of land acquisition within the area where the land is located, and along with the notification in the local language if necessary; and
	2. proceeding with a land survey, calculation and provision of compensation and damages in accordance with the provisions contained in Chapter VIII of this Law.
3. The Field Investigation Sub-Team shall carry out the following for recording purposes in respect of the land to be acquired, after informing affected persons at least 7 days in advance -
4. shall record the following information along with affected persons and their legal representatives in the course of conducting ground surveys:
5. the list of affected persons and their household members, livelihood situation and the list of livestock and machinery owned by the household;
6. location, size, type and classification of land and the local market price of land on the date when the Notification Declaring the Intent of Land Acquisition is issued;
7. the age of the building on the land, the condition and design of the building, and its local market price;
8. three times the value of perennial plants grown on the land that is calculated at the local market price based on the current value of such plants;
9. three times the value of seasonal crops that is calculated at the market price based on the crop yield per acre; and
10. the loss of livelihoods and job opportunity due to land acquisition;
11. shall build visible posts to mark boundaries as necessary at the expense of the Department or Organization that Proposed for Land Acquisition;
12. shall inform each affected person about the field survey;
13. shall publicize recorded information after accomplishing the field survey;
14. shall publicize approved compensation and damages to be claimed for any loss or damage, the amount to be paid, the last day for claim, and the person and place to which the application for claiming shall be submitted as follows:
15. at relevant offices, departments and places easily noticeable by the public as mentioned under Section 17 (a);
16. notices shall be sent to affected persons that are listed to be eligible for compensation and damages, in accordance with the Code of Civil Procedure; and
17. notifications written in the local language may be delivered alongside, if necessary.
18.
19. The Land Acquisition Implementation Body shall -

(i) take possession of the land without any encumbrance after paying compensation and damages and undertaking functions as mentioned in Sections 32 and 33; and

(ii) transfer the land along with its case file to the Department or Organization that Proposes for Land Acquisition.

1. ensure that as soon as the proposed land has been taken possession, the land becomes a state-owned land free from all encumbrances.

**Chapter VII**

**Landowner’s Right to Choose Compensation and Damage for Land Acquisition**

1. If there is no building properly constructed on the acquired land or if there is no business conducted in such a building, the Land Acquisition Implementation Body shall, without having to grant any right under Section 36 (b), pay the compensation and damages for land acquisition to the landowner or damages to the person related to the acquired land in accordance with the provisions contained in Chapter VIII.
2. If there are buildings properly constructed on the acquired land or if there are businesses conducted in such buildings, the Land Acquisition Implementation Body shall grant any of the following rights as desired by the landowner, including relocation expenses, to the Landowner after negotiating and making agreement with the Department or Organization that Proposes for Land Acquisition, but not in excess of the market price of such acquired land and buildings:
3. right to obtain entirety or part of compensation and damages for the acquired land and building; or
4. right to obtain the following rights along with any part of rights contained in sub-section (a):
5. right to obtain land or land and building for resettlement,
6. right to enjoy any resettlement program, and
7. right to invest in the project to be carried out on the acquired land or right to obtain the suitable portion of such land for any activity.
8. The Landowner:
	1. shall have the right to receive relocation expenses granted under this Law for land and building acquisition; and
	2. shall, in addition to the right granted under sub-section (a), have the right to demand any of the rights granted under Section 36, and enjoy these rights, but not exceeding the market value of the acquired land and building, after negotiating and securing agreement with the Department or Organization that Proposes for Land Acquisition.
9. The Land Acquisition Implementation Team may, upon making the consent with the Landowner, grant other lands or rights that are equivalent to the compensation to be paid for the land to be acquired, with approval from the Union Government.

**Chapter VIII**

**Payment of Compensation and Damages**

1. The Land Acquisition Implementation Body shall follow the hereunder procedures for paying compensation and damages for land acquisition to the Landowner, or paying damages to the persons related to the acquired land:
	1. payment of compensation and damages for land acquisition to the Landowner, and payment of damages to the persons related to the acquired land, if there is no building properly constructed on the acquired land or if there is no business conducted in such a building;
	2. payment of the local market value of the acquired land and building to the Landowner as compensation, if there are buildings properly constructed on the acquired land or if there are businesses conducted in such buildings;
	3. payment of the local market value of the land to the Landowner, if there are no perennial plants, seasonal crops or livelihoods on the acquired land;
	4. payment of the following compensation and damages, if there are perennial plants, seasonal crops or livelihoods on the acquired land -
2. Three times the value of perennial plants grown on the land that is calculated at the local market price based on the current value of such plants,
3. Three times the value of seasonal crops that is calculated at the market price based on the crop yield per acre,
4. The estimated loss of income due to termination of livelihoods and jobs, and
5. The value of the loss of buffalos, cows and other livestock and machinery.
	1. pay compensation and damages to affected persons or representatives after screening; and
	2. record separately between those who agree and withdraw the compensation and damages and those who do not withdraw them as they do not agree with such compensation.
6. The Land Acquisition Implementation Body shall:
	1. Calculate the relocation expenses in accordance with the Rules and notifications enacted under this Law, as well as the amount of compensation and damages under Section 39, and submit them to the Central Committee visa the relevant Regional or State Government and Nay Pyi Taw Council in order to seek approval from them; and
	2. Disburse the compensation and damages, including the relocation expenses to the Landowner, and the damages to the persons related to the acquired land, which are approved by the Central Committee.
7. If any affected person is not satisfied with any of the following issues, he/she may apply to the Land Acquisition Implementation Body to submit the referral form to the relevant court providing the reasons:
	1. The matter regarding the area demarcated for compensation and damages;
	2. The matter regarding the amount of compensation and damages;
	3. The matter regarding which affected persons shall be compensated or who shall or shall not be entitled to compensation; and
	4. The matter regarding who shall be subject to the compensation or how it should be apportioned.
8. The Land Acquisition Implementation Body:
	1. shall submit the referral form to the relevant court within 60 days providing the following information along with the application letter of the affected person under Section 41:
9. The amount of compensation based on the market price of the acquired land or land and building,
10. Three times the value of perennial plants grown on the land that is calculated at the local market price based on the current value of such plants,
11. Three times the value of seasonal crops that is calculated at the market price based on the crop yield per acre, and
12. The estimated costs for accommodation and meal for the Landowner before he/she is resettled.
	1. In submitting the application form for referring to the court under sub-section (a), the following information shall be included:
13. the list of names, residential addresses and summoning addresses of affected persons,
14. compensation and damages that have not been paid yet,
15. Copy of the Field Investigation Sub-Team’s report under Section 33 with respect to the land to be acquired, and
	1. Compensation and damages not accepted by any affected person shall be deposited to the court.
16. The relevant court:
	1. shall, with respect to the referral form submitted as per Section 42, open a case and begin investigation within 30 days, in accordance with the Code of Civil Procedure;
	2. may, if an objection is concerned with the areas for which compensation and damages are determined under Section 41(a), summon and inquire a member or a representative of the Land Acquisition Implementation Body;
	3. shall, regarding other objections under Sub-Sections 41(b), (c) and (d), summon and inquire affected persons only and necessary witnesses, without having to summon and inquire a member or a representative of the Land Acquisition Implementation Body; and in this regard, their representative or lawyer may be allowed to act on behalf;
	4. may, regarding the matters contained in sub-section (b) and (c), pass a judgment, order or decree; and
	5. As the affected person refuses to accept, may direct to pay to him or her the money lodged with the court under Section 42 (c) in addition to the interest incurred as such a sum is saved at the state-owned bank.
17. The Land Acquisition Implementation Body:
	1. shall, if the referral form is submitted to the relevant court as per the application of any affected person, suspend the payment of compensation and damages before the case is finalized; and
	2. shall proceed with the payment of compensation and damages if the referral form is not submitted to the relevant court, or if the referred case has been finalized by the court.
18. Notwithstanding anything contained in the provisions of this Chapter regarding the payment of compensation and damages, payment of compensation and damages and other arrangements shall be carried out in accordance with the relevant law in order to prevent any adverse impact on the person who has the right to operate and use the land due to the acquisition of farmland or vacant, virgin and fallow land.

**Chapter IX**

**Resettlement and Rehabilitation**

1. The Resettlement and Rehabilitation Implementation Body shall grant any of the rights under Section 36 (b) as desired by the Landowner, and implement the following resettlement and restoration schemes in accordance with the provisions of this chapter based on the negotiations and agreements with the Department or Organization that Proposes for Land Acquisition:
	1. Implementing in accordance with the schemes of resettling the Landowner as soon as the schemes of taking possession of the land and transferring the land have commenced;
	2. Resettlement schemes that include schemes for housing development, essential infrastructures and amenities for the social rehabilitation of households, infrastructures for the development of wards and villages, and other needs; and
	3. Rehabilitation schemes that involve arrangements for livelihoods and job opportunities that are based on the acquired land.
2. If the resettlement schemes under Section 46 have not been carried out even when the possession of the land had been transferred, the Department or Organization that Proposes for Land Acquisition shall arrange temporary quarters for which the relocation expenses shall be used as per negotiation and agreement with the Landowner.
3. In implementing the schemes under Section 46 based on the negotiation and agreement as per Section 37, Sub-Section (b), Resettlement and Rehabilitation Implementation Body shall, if necessary:
	1. take necessary measures to ensure resettlement does not cause impacts on the livelihoods, social lives and environment of Landowners and locals residing in such an area; and
	2. implement the schemes as negotiated and agreed, when the Landowner asks for permission to enjoy any of the rights granted under Section 36 (b) or to invest in the project as per negotiation and agreement with the Department or Organization that Proposes for Land Acquisition.
4. In order to be able to implement the resettlement and rehabilitation schemes which has not been negotiated or agreed in advance by the Land Acquisition Implementation Body has not negotiated and agreed in advance, the Central Committee shall have the right to allocate the duties that are to be discharged by the relevant ministry and by the Department or Organization that Proposes for Land Acquisition respectively.
5. The Resettlement and Rehabilitation Implementation Body shall take special care and arrange to ensure that their resettlement and rehabilitation activities do not cause any harmful effect on vulnerable groups including women, children, ethnic minorities and traditional owners.

**Chapter X**

**Urgent Acquisition**

1. The Central Committee may, with the approval of the Union Government, proceed to urgently take the possession of the land that is proposed under Sections 8 and 9 by the Department or Organization that Proposes for Land Acquisition for the following matters for public purposes:
2. Necessary to appropriate the land for an emergency situation in national defense and security;
3. Necessary to use the land for facilitating social affairs, economic affairs and transportation and for communication according to a sudden change in situation due to an unforeseen event;
4. Necessary to relocate the public in the event of natural disasters or potential natural disasters; and
5. Necessary to appropriate the land urgently as per the decision of the Pyidaungsu Hluttaw and the Union Government.
6. In order to urgently take possession of the land proposed for acquisition, the Central Committee shall promptly issue the notification and notice notifying that it is necessary to acquire the land in the manner under Sections 16 and 17. It shall then issue the notification declaring that it is required to acquire the land urgently under Section 31 and inform the responsible ministry, the relevant regional or state government and Nay Pyi Taw Council, and the Land Acquisition Implementation Body; and
7. Regarding the land urgently acquired under Sub-Section (a), the Land Acquisition Implementation Body may assign the Field Investigation Sub-team to urgently take possession of the land after the responsible ministry has issued the notification of land acquisition, even if the compensations and damages have not been processed.
8. Regarding the lands to be acquired urgently, the following lands shall be examined and acquired as priority:
	1. Lands that are reserved by the Union Government in advance for emergency situation;
	2. Lands whose acquisition would cause the least harmful effect on public interests; and
	3. Lands that are not being used in spite of being under someone’s right to possess and right to use.
9. Regarding urgent acquisition,
	1. Anyone assigned under this Law shall not enter the land, carry out field investigation or take possession of the land, without informing affected persons in advance;
	2. When an affected person requests compensation and damages that are not disbursed in a timely manner, such compensation and damages including relocation expenses shall be calculated and disbursed after acquisition as in the case of normal acquisitions;
	3. In disbursing the compensation and damages, additional 10 percent of the local market price of the land shall be given to the land owner, and additional 10 percent of the value of the damage to the persons related to the acquired land, since there could be more harmful effect due to urgently implementing the procedures for normal land acquisition;
	4. If there are buildings on the land, the land owner shall be compensated at the local market price of the said buildings. If there are seasonal and perennial crops on the land, affected persons shall be compensated for 3 times the market value of the annual benefits from those crops; and
	5. When the Landowner negotiates and requests the resettlement and rehabilitation scheme under Section 36, Sub-Section (b), and the provisions under Chapter VIII of this Law shall be followed as appropriate.

**Chapter XI**

**Temporary Acquisition**

1. The Central Committee may, with the approval of the Union Government, carry out temporary acquisition by issuing the notification and notice notifying that it is necessary to acquire the land temporarily in the manner under Sections 16 and 17 for a period not more than 5 years for the following matters for public purposes:
	1. Matters where it is necessary to use the land temporary for national security, defense and military operation;
	2. Matters where it is necessary to use the land for any project of the State only for the project period;
	3. Matters where the land is temporarily needed only for the project period when the Union Government assigns any project to local and foreign private companies in any manner; and
	4. Matters where the Union Government needs to use the land temporarily.
2. For temporary acquisition, the following lands shall be examined and acquired as priority:
3. Lands that are not being used in spite of being under someone’s right to possess and right to use; and
4. Lands which acquisition would cause least harmful effect on the public interest.
5. After issuing the notification and the notice notifying that it is necessary to acquire the land as per Section 54, the Land Acquisition Implementation Body shall send a notice to the affected persons along with the notification that notifies which lands are necessary to be acquired temporarily for which period and for which purpose. Moreover, agreement must be obtained from affected persons regarding the damages and the prescribed fees to be paid for the period of the said temporary acquisition after any negotiation with them.
6. Application by affected persons to request submission of the referral form to the relevant court for dissatisfaction with the compensation for temporary acquisition determined by the Land Acquisition Implementation Body, submission of the referral form to the relevant court by the Land Acquisition Implementation Body, and investigation and passing of any order and judgement by the court on such referral form shall be carried out in accordance with the provisions under Sections 41, 42, 43 and 44.
7. If there is any damage to the land due to utilization at the time of returning the land after the expiry of the temporary acquisition period, the compensation shall be paid as per the agreement negotiated with affected persons.

**Chapter XII**

**State’s Reclamation of the Lands Already Acquired and Transferred**

1. Even if the Department or Organization that Proposes for Land Acquisition has acquired the land for any purpose, the State may reclaim the entire land or any part of the land in any of the following situations:
	1. Ancient cultural heritages that have immense historical value for the State being found on the acquired land;
	2. Valuable resources and rich mineral deposits being found on the land that is acquired for any purpose other than for extraction of minerals and gems;
	3. Causing harms to the health of the local community, deterioration of socio-economic conditions and destruction of environment and ecosystems due to the failure to comply with the measures for conservation of socio-economic impacts and prevention of environmental impacts as initial commitments;
	4. Lack of implementation within the prescribed project period as initially intended;
	5. The land will not be used or no longer necessary to be used as appropriated;
	6. The land being discovered to be acquired for more than necessary;
	7. Lack of implementation of or failure to implement resettlement and rehabilitation schemes in line with the agreed standards; and
	8. The Union Government revokes the land acquisition order by issuing a notification for any reason.
2. For the State’s reclamation of the land for the situations contained from sub-section (c) to (g) under Section 58, the Department or Organization that Proposes for Land Acquisition shall not have the right to claim the reimbursement for any cost of acquisition.
3. To carry out an activity intended for the public purpose, the Department or Organization that Proposes for Land Acquisition shall:
	1. Return the acquired land to the State systematically if the land is no longer used, no longer necessary to be used or has no purpose to be used for;
	2. If the acquired land is not used within the prescribed period as intended or if the acquired land is transferred to another department or organization or person without the approval of the Central Committee, it shall be deemed that the land acquisition has become void and such land has been returned to the possession of the State; and
	3. Not have the right to claim the reimbursement for any cost of acquisition and the funds invested in the land, regarding the land returned under sub-section (a) or the land returned to the possession of the State under sub-section (b).
4. The Union Government may use the land that returns to the possession of the State in any project necessary for the State for public purpose.

**Chapter XIII**

**Offences and Penalties**

1. Whoever is convicted of any of the following offences may be punishable with imprisonment for a term not exceeding 1 years or with a fine not exceeding MMK 100,000, or with both:
	1. Obstructing, hindering or deterring the body or person performing the functions assigned under this Law; and
	2. Acting fraudulently to disrupt the land acquisition processes being carried out under this Law for public purposes.
2. If any person who is appointed to perform functions assigned under this Law is convicted of fraudulently performing activities in non-compliance with the provisions under this Law, he or she may be punishable with imprisonment for a term ranging from minimum six months to maximum two years in addition to a fine not exceeding MMK 200,000.
3. Whoever is convicted of submitting false evidence and supporting documents knowingly to the body or person performing the functions assigned under this Law may be punishable with imprisonment for a term not exceeding 7 years in addition to a fine not exceeding MMK one million.

**Chapter XIV**

**Miscellaneous**

1. The rules and orders issued under the 1894 Land Acquisition Act repealed by this Law shall continue to be applicable to the extent that they do not conflict with the provisions of this Law, and the rules, regulations, by-laws, notifications, orders, directives and procedures issued under this Law.
2. If there are harmful effects on interests that are caused not by land acquisition under this Law, but by land acquisition for public purposes under any other existing law, affected persons shall be remedied in compliance with the schemes of compensation and damages prescribed under this Law and resettlement and rehabilitation schemes for Landowners as may be appropriate, except for the payment of compensation and damages as per Section 45.
3. Regarding land acquisition under this Law,
	1. The compensation and damages awarded to affected persons shall be exempt from income tax; and
	2. The instrument executed by and between the Department or Organization that Proposes for Land Acquisition and the Landowner, the application requesting for submission of referral form as per Section 41, and the referral form submitted to the court as per Section 42 shall be exempt from the stamp duty. Moreover, no fees shall be charged for applying to make a copy of such an instrument, application form, referral form, or any judgement and order of the court.
4. Offences prosecuted under Sections 63 and 64 are prescribed as cognizable offences.
5. In implementing the provisions under this Law:
	1. The Responsible Ministry may issue the rules, regulations and by-laws with the approval of the Union Government; and
	2. The Central Committee, Responsible Ministry and the Department may issue notifications, orders, directives and procedures.

71. The Land Acquisition Act, 1894 shall cease to be in effect starting from the date on which this Law becomes effective.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd) Win Myint

President

Republic of the Union of Myanmar