

**Land Acquisition Law**  
**2017, Pyidaungsu Hluttaw, Law No.....,**  
**..... day, .....month .....1379 ME**  
**(.....day .....month, 2017AD)**

**The Pyidaungsu Hluttaw hereby enacts this law.**

**Chapter (1)**

**Name, Enforcement and Definition**

1. (a) This law shall be called the Land Acquisition Law (2017).
- (b) The Pyidaungsu Hluttaw hereby enacts this law on the date prescribed by the President of the Union of Myanmar, by notification.
2. The following terms expressed in this law shall have the meanings given hereunder:
  - (a) **Land** includes the interest arisen out of land and objects<sup>1</sup> affixed to the land or the things permanently attached to any object affixed to the land;
  - (b) **Person interested** includes the following persons:
    - (1) land owners and persons who have the right to claim compensation in land acquisition under this Law;
    - (2) persons who work in the confiscated land as a tenant or under the mutual benefit agreement or by lease.
  - (c) **Affected families** include the following persons:
    - (1) A family whose land or other immovable property are confiscated;
    - (2) one or more members of a family, though they don't own any land, who work constantly as the farm workers or piece workers in the affected area before the land is confiscated and whose livelihood was affected because of land acquisition;
    - (3) persons whose livelihood are affected because of the confiscated land;
    - (4) family who actually resides and works on the confiscated land to a certain period before it was confiscated, though it has no legal document, and invests, depends on the confiscated land for livelihood.
  - (d) **Land-owner** means the following persons:

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<sup>1</sup> g. house, building, well, pond, plants on the land

- (1) person who is recorded in the legal land record as being the owner or person who has the right to possess or use of a land or building or its part;
  - (2) person who is issued owner grant or lease grant in respect of that land according to any existing law;
  - (3) person who was declared or enrolled as the land owner under any order of Court or authority;
  - (4) person who is recognized as the owner according to local traditions, though there are no legal documents.
- (e) **Compensation** means any land or money or right or other material substituted or exchanged for acquisition of any land to the persons interested.
- (f) **Grievance** means the money or right or any material provided to the aggrieved family for the injury they suffered because of the land acquisition.
- (g) **Transferring Cost** includes the costs incurred for the transfer or removal from the land confiscated and subsidies for settling at the transferred place.
- (h) **Resettlement** means the arrangement for and carrying out of the residential buildings and infrastructure which are not inferior than the minimum social standard it should be for the persons transferred from the confiscated land.
- (i) **Rehabilitation of socio-economic life** means the arrangement for and carrying out of the job opportunities, means of livelihood, temporary subsistence costs and social supporting processes which are not inferior to the living standard and socio-economic norms, which should be existed at the minimum, for the affected persons because of land acquisition.
- (j) **Court** means the courts of competent jurisdiction for the area where the land exists, and not lower than the level of State or Region High Courts.
- (k) **Land Acquisition Implementation Team** means a body formed and assigned duty accordingly to implement various matters for land acquisition when the President of the Union declares, by notification, that the land is required for acquisition.

- (l) **Resettlement and Socio-economic Rehabilitation Central Committee** means a body formed and assigned duty by the President of the Union, by notification, to supervise the processes of resettlement, socio-economic life rehabilitation of the persons transferred from the confiscated land and persons affected for land acquisition.
- (m) **State or Region Resettlement and Socio-economic Rehabilitation Committee** means a body formed and assigned duty by the Resettlement and Socio-economic Rehabilitation Central Committee, by notification, to take responsibility and carry out the processes of resettlement, socio-economic life rehabilitation of the persons transferred from the confiscated land and persons affected for land acquisition.
- (n) **Ministry** means the Ministry of Home Affairs.
- (o) **Department** means the General Administration Department.
- (p) **Urgent Acquisition** means the prompt land acquisition in a unavoidable situation based on any urgent matters.
- (q) **Temporary Acquisition** means land acquisition only for temporary use within a stipulated period, without purpose to use the land for the long term.
- (r) **Notification** means the information and declaration made transparently that a land is intended to be confiscated or public may object or the rights may be claimed or to enable to know the future processes.
- (s) **Declaration** means the informing, declaring to the public transparently that a land shall be confiscated, with the approval of the Union Government, after preliminary surveys were completely and sufficiently carried out for land acquisition.
- (t) **Taking in Possession** means taking in possession of the land proposed for acquisition by the Land Acquisition Implementation Board to enable to transfer it to the proposed department, organization as a State-owned land free of charge.
- (u) **Public Purposes** means the purposes relating to the security of the State, development of national economy and development of public social, education, health, economic sectors.

## Chapter (2)

## **Objectives**

3. The objectives of this Law are as follow:
- (a) To gain protection of law for prevention of illegal land acquisition and the prevalence of legal land acquisition;
  - (b) To carry out clearly the programmes with transparent procedures, such as letting local people know in advance and freely coordinating and making a decision in order to avoid the grievances of families who experience the loss of land;
  - (c) To receive and enjoy just and equitable compensation and grievance;
  - (d) to enjoy resettlement for the loss and injury caused by the removal from residential land in land acquisition;
  - (e) to enjoy the rehabilitation of socio-economic life of the families aggrieved and injured because of land acquisition;
  - (f) to prevent adverse impacts, injuries to natural environment and public socio-economic life caused by acquisition and use of land.

## **Chapter (3)**

### **Matters Relating to the Land Acquisition Law**

4. The provisions of this Law shall apply to the land acquisition for own-use, maintenance and supervision including for the permanent or temporary requirement of a land for the public interest, by the Union Government or with the approval of the Union Government; providing compensation, carrying out rehabilitation of socio-economic life and resettlement, and shall also involve with and apply to the following facts:
- (a) land requirements for the national defence and security matters of the State;
  - (b) projects which shall be carried out for the development of the State according to the National Economic Policy;
  - (c) projects relating to the socio-economic development;
  - (d) urban and rural expansion and infrastructure development projects;
  - (e) rehabilitation and resettlement matters;
  - (f) land acquisition matters contained in other existing laws..
5. If the following lands contained in the appropriation of land to be confiscated, it shall be carried out with the approval of the Pyidaungsu Hluttaw. Otherwise, it shall be exempted from confiscation:
- (a) historical, ancient, cultural heritages sites;

- (b) salient natural areas, religious buildings, premises, monuments which have existed firmly in history and valued and preserved by the people;
- (c) lands being used and sacred places preserved according to the traditional custom of the ethnic nationalities.

#### **Chapter (4)**

##### **Proposing and Scrutinizing for Land Acquisition**

6. Any organization or department desirous to obtain any land for public purpose, it shall directly apply to the Chief Minister of Region or State, or Chairman of the Nay Pyi Taw Council; or through the Chairman of the Self-administered Division or Self-administered Zone.
7. The followings have the right to apply for land acquisition under this Law:
  - (a) State organizations;
  - (b) departments and organizations under the Union Government;
  - (c) Government departments and organizations which shall cooperate with JV investors;
  - (d) Government departments and organizations which shall lead and carry out on behalf of the donor individuals and organizations, local or foreign, for the State and the people in accord with the existing laws
8. The proposal for land acquisition for public purpose shall attach the following necessary documents:
  - (a) proposal signed by the proposer or the person assigned duty to propose;
  - (b) map and land record relating to required land;
  - (c) statement of cause for which land is required to be confiscated;
  - (d) statement whether or not there are religious buildings, public cemeteries and tombs on the required land; if yes, submission of comments to exempt such place; if it is desirous to confiscate it without exemption, admission to take all responsibility for the expenses incurred for the transfer, removal;
  - (e) environmental impact assessment report for the works to be carried out on the required land and future programme;
  - (f) submission of feasibility study on the impacts to socio-economic life relating to the persons interested, affected families for the required land;
  - (g) programme which shall be carried out resettlement and rehabilitation of socio-economic life of the persons interested at the required land;
  - (h) admission in writing for taking responsibility for financial and other aid matters for all processes of land acquisition;

- (i) statement of effect and cause if it is necessary to carry out urgent or temporary land acquisition;
- (j) administration approval.

9. On receiving the submission of proposal for the requirement of land, the Region or State Government Office or Nay Pyi Taw Council Office shall scrutinize the completeness of the stipulated facts, and submit to the State or Regional Chief Minister or Nay Pyi Taw Council Chairman. If it is incomplete, it shall direct the proposer to carry out necessary requirements.

10. If the proposal for requirement of land is complete, the Region or State Chief Minister or Nay Pyi Taw Council Chairman shall assign duty to the State or Region Government or Secretary of Nay Pyi Taw Council to scrutinize the following facts:

- (a) situation of creation of State's interest, people's interest of the proposed land acquisition;
- (b) situation of local people whose socio-economic life will be affected, if the required land is confiscated;
- (c) the facts that shall affect the natural environment according to the land use method;
- (d) situation of the completeness, sufficiency of the measures for resettlement and rehabilitation of socio-economic life, attached to the proposal;
- (e) situation of suitability for the method to be used and the land place.

11. The Region or State Government or Secretary of Nay Pyi Taw Council shall prepare and submit assessment report on its findings under the above section. The State or Region Chief Minister or Nay Pyi Taw Council Chairman shall submit it to the meeting of the State or Region Government or Nay Pyi Taw Council, together with his recommendation, and obtain its decision, and obtain the recommendation of State or Region Hluttaw representative, relating to the area where the proposed land is situated, as confidential.

12. The Region or State Chief Minister or Nay Pyi Taw Council Chairman shall submit the meeting minutes of the State or Region Government or Nay Pyi Taw Council, together with the draft of public notification that the land is required, appropriation for forming the Land Acquisition Implementation Board, and attached with his assessment report and the proceeding, to the Union Government.

13. If the Union Government satisfies and agrees with the assessment report of the State or Region Government or Nay Pyi Taw Council on the proposal for land acquisition, the President of the Union or any Union Minister assigned duty by the President of the Union to act on behalf of the President of the Union shall sign and

issue the public notification for requirement of land. The decision of the President of the Union relating to refusal or allowance to continue on the proposal for land acquisition, shall be final and conclusive.

## **Chapter (5)**

### **Notification for Requirement of Land and Preliminary Inspection**

14. (a) The notification of requirement of land signed by the President of the Union shall contain the following facts:
- (i) particulars relating to land such as State or Region, district, township, ward/ village-tract, field/blog where the land is situated, area (estimate), type of land;
  - (ii) reason why the land is required to be confiscated, whether it is for the public interest or for the business of which department or organization.
- (b) The following facts shall be attached to such notification:
- (i) assignment order for the Land Acquisition Implementation Board;
  - (ii) brief assessment report on the socio-economic life impacts contained in the proposal;
  - (iii) brief environmental impact assessment finding contained in the report and programme to be carried out;
  - (iv) brief appropriation for resettlement and rehabilitation of socio-economic life.
- (c) The land Acquisition Implementation Board proposed and submitted under section 12 shall be formed with and assigned duty to the relevant departments, organizations, professionals and other suitable persons.
- (d) In assigning duty to the Land Acquisition Implementation Board, it shall cause to do all processes transparently and with the decision making processes participated by the aggrieved families.
15. The Land Acquisition Implementation Team shall claim, in advance, the necessary estimated costs for various office works and various survey works, and the grievances which shall be compensated, after calculating them in advance, from the proposer for land acquisition, before the commencement of the work. After receiving and keeping such expenses in possession, its work shall be commenced.
16. (a) The notification for requirement of land shall be published in the Myanmar Gazette, daily newspapers, local newsletter ( if any), and it shall notify by affixing on the notice board of the State or Region Government or Nay Pyi Taw Council Office.

Moreover, the copies of notification shall be affixed and notified for the public awareness, on the public notice board at the following places of the area where the land is situated. If necessary, such notification shall also be notified in the local language:

- (i) Office of the District Administrator's Office, office of the Township Administrator's Office, office of the Ward or Village-tract Administrator's office of the area where the land is situated;
- (ii) Township Court, Township Development Committee's Office, markets owned by the Development Committee, Township Information and Public Relations Department Office of the area where the land is situated;
- (iii) Notice board made for this purpose, at the salient places near the land intended for confiscation.

(b) It shall carry out specifically for mentioning it in television and broadcasting media..

17. The Land Acquisition Implementation Team may, soon after the public notification for land requirement is issued, form the assessment branch body for the following matters, as necessary, with its members and other suitable persons from departments and other experts, with the approval of the State or Region Government or Nay Pyi Taw Council:

- (a) field inspection on the land intended to be confiscated and collection of public comments on the proposal for land acquisition;
- (b) counter-checking submissions of the proposer on the grievances of socio-economic life of the aggrieved families at the place of land intended to be confiscated, potential environmental impacts, with the field realities;
- (c) coordinating, obtaining agreement on the appropriations of resettlement and socio-economic life rehabilitation of the proposer based on the expert's idea and requirements of the aggrieved families.

18. Each subgroup which shall carry out field work, collection of public comments, shall notify such field work programmes, at least ( 7 ) days in advance, to the public including the stakeholders.

19. Each field work shall be carried out according to the following programme:

- (a) explanation to the public;



- (b) conducting field survey, collection of the aggrieved persons and potential grievance situation;
- (c ) assessment on the proposal relating to the environmental impact and socio-economic life impact;
- (d) assessment on the proposal relating to resettlement and socio-economic life rehabilitation;
- (e) obtaining comments of departmental and other experts;
- (f) assessment on the findings, preparing and submitting report to the Land Acquisition Implementation Board attached with its recommendation.

20. The Land Acquisition Implementation Team shall:

(a) carry out public presentation to the local people for clear understanding of the notification of requirement of land by the people. In doing so, relevant representatives of Amyotha Hluttaw, Pyithu Hluttaw, State or Region Hluttaw may also be invited and participated.

(b) carry out calling objection from the public interested on the purpose and situation of land acquisition, accepting written objection, hearing, calling to submit documents, conducting field surveys, if necessary.

21. The relevant subgroup which shall carry out field survey of the land intended to be confiscated, and collection of public comments on the purpose and situation of the land acquisition, shall carry out following duties:

(a) informing the programme field survey and inspection to the stakeholders of land, at least ( 7 ) days in advance;

(b) carrying out field survey together with representative from the organization/department that requires land, aggrieved persons relating to the land confiscated and their representative;

(c) recording the grievances of the persons interested in the land, calculating compensation, giving compensation with the approval of the State or Region Government, seeking the decision of the court if the aggrieved person dissatisfies with the compensation;

(d) collection of the list of aggrieved families and situation of grievances.

22. The relevant subgroup that shall assess whether or not compatible between the appropriations for resettlement by the proposer and real situation of the aggrieved families, shall carry out the followings:

(a) duties to be carried out:

- (i) whether or not the place where it shall be transferred to is suitable to settle;
- (ii) situation that may be reconstructed the religious buildings and buildings such as public school, clinic, market, office;
- (iii) situation to manage for infrastructure such as road, light, drinking water and sanitary works, cemetery;
- (iv) whether the buildings which shall be reconstructed are not inferior than the suitable living standard;
- (v) situation to implement the resettlement programme.

(b) manners which shall be carried out:

- (i) the facts contained in sub-section (a) shall be inspected in the field;
  - (ii) in doing so, it shall carry out together with representative of the organization/department that requires land, aggrieved persons relating to the confiscated land and their representatives, departmental experts, and other necessary persons and organizations;
- (c) in inspecting so, the field inspection body may exercise the powers such as calling for and copying of necessary documents, counter-checking, summoning and examination of the persons considered relevant etc.

23. The group which shall carry out the assessment of socio-economic life grievances of affected families and potential environmental impacts shall carry out the followings:

- (a) meeting, discussing and obtaining comments of stakeholders such as persons affected, relevant local peoples at the environs, civil society organizations, local men's or women's leaders, ward-elders, members of local authorities to enable to assess on the potential impacts on natural environment and conducting real field inspection;

(b) meeting, discussing and obtaining comments of stakeholders such as persons affected, relevant local peoples at the environs, civil society organizations, local men's or women's leaders, ward-elders, members of local authorities to enable to assess potential impacts on the natural environment;

(c) recording the findings of ground inspections.

24. In carrying out assessment relating to rehabilitation proposal, the subgroup which shall carry out assessment of the compatible situation with the real life of the affected families shall carry out the followings:

(a) duties which shall be carried out:

(i) situation of the suitability of the substitute land;

(ii) situation of creation of job opportunity;

(iii) programme to provide temporary aid and situation of sufficiency;

(iv) programme which should be supported by the relevant departments to enable to carry out family's livelihood;

(v) programme to operate welfare works such as education, health etc. systematically;

(vi) programmes to carry out other matters for rehabilitation claimed by local people.

(b) manners to be carried out:

(i) the facts contained in sub-section (a) shall be carried out by field inspection;

(ii) in doing inspection, it shall be carried out together with representative of the organization/department that requires land, affected persons relating to the land confiscated and their representatives, departmental experts, other necessary individuals and organizations;

(c) ) in inspecting so, the field inspection body may exercise the powers such as calling for and copying of necessary documents, counter-checking, summoning and examination of the persons considered relevant etc.

25. Each field inspection subgroup has the power to ask for the comments of departments and experts relating to the work independently. The relevant departments shall also provide helps.
26. Each field inspection subgroup shall prepare and submit report on their findings, assessment and comments to the Land Acquisition Implementation Team.
27. The Land Acquisition Implementation Team shall compile the reports of each field inspection subgroup and report, contacting its assessment and recommendations, to the Region or State Government or Nay Pyi Taw Council.
28. The Region or State Government shall, according to the assessment, submission of recommendation, of Land Acquisition Implementation Team, issue its decision and recommendation to enable to know by the relevant aggrieved families, before submitting it to the Union Government. It shall also mention that if a person dissatisfies with the decision of the Region or State Government or Nay Pyi Taw Council, he may file to a court within 30 days from the date of such issue.
29. The Region or State Government or Nay Pyi Taw Council shall submit its recommendations on the submission of the Land Acquisition Implementation Team, to the Union Government. In doing so, the draft land acquisition order shall be forthwith prepared and submitted.
30. The Union Government shall, on the submission of the Region or State Government or Nay Pyi Taw Council, discuss and decide whether or not it is allowed the land acquisition as proposed, and to what extent on the proposed land area. In deciding so, if there is any application filed to the relevant court to seek its decision as the decision of the Region or State Government or Nay Pyi Taw Council is dissatisfied, it shall wait for the decision, order of the court..
31. Although the notification for the requirement of land acquisition has been issued, such notification for the requirement of land acquisition shall be cancelled and land acquisition works amended, or terminate it , if the relevant proposer for land acquisition withdraws his proposal or if the Union Government approves on the decision of the Land Acquisition Implementation Team or the court not to confiscate the land or if there contains the lands which are not necessary to confiscate, according the findings of the Land Acquisition Implementation Team.
32. The proposer for land acquisition may have the right to submit petition to the President of the Union to pass an order for revising the decisions contained in section 31.The President of the Union may pass an order which he considers appropriate on such petition.

33. According to the decision of the Union Government, the President of the Union or a Union Minister delegated by the President of the Union shall issue the order of land acquisition.

### **Chapter (6)**

#### **Declaration for Land Acquisition and Taking in Possession of Land**

34. (a) The notification of land acquisition issued by the President of the Union shall include the following facts:

- (i) particulars relating to the land such as the State or Region, district, township, ward/ village-tract, field/blog, land area scrutinized and approved, type of land etc.
- (ii) Expression of reasons for requirement of land for doing business of a department, organization or public purpose
- (iii) The assignment of Duty and responsibility given to the land Acquisition Implementation Team.

(b) Brief proposal for resettlement and rehabilitation of social and economic life shall be attached with the notification after negotiation and coordination with affected people.

35. As soon as the notification order of land acquisition has been promulgated in the State Gazette to let the public know, the following points shall be carried out necessarily by the land Acquisition Implementation Team.

- (a) Additional announcement to the public about land acquisition order;
- (b) Examination of the land during field work, recording and calculating and giving compensation for in need of land, if necessary.
- (c) Occupation of the land in possession.

36. With reference to the land acquisition order making known to public, the secretary of the team shall carry out the following under his responsibility:

- (a) The order of notification about land acquisition shall be proclaimed in daily newspaper, at least, twice and local paper (if there is) during the time frame and moreover the notification should be stuck on the notice board of Region and State government of the Naypyitaw Council. And the copy of notification shall be stuck on the notice board in the following places where the location of proposed land is situated, if necessary, notification shall be made in local language.
  - (1) The office of District and Township Administration Office and Office of Ward or Village Tract of the proposed land;
  - (2) The township court of the source of proposed land, markets controlled by Township Development Council and the Development Council and the Development Association, and the information and public relation Department;

- (3) The notice board situated near the proposed land to be seized where people can easily see what is happening in the area.
  - (b) The expression in TV and radio shall be performed separately.
  - (c) The information letter shall be sent to each of the affected families, attached a copy of notice order by code of civil law.
37. The following shall be included in the field inspection work plan:
- (a) Notification 3 days before hand to the persons interested.
  - (b) In measurement of the land during the work of field trip with the persons interested, or their legal agent, the following points shall be examined and recorded about the land.
    - (1) The person with benefit of the land and family list, condition of their livelihood, and the list of cattle and animals owed by them;
    - (2) Location of land, area, land classification, class level and the market price of the day of notification in need of land under section (14);
    - (3) Life span of buildings on the land, model of construction and market price;
    - (4) Type of perennial trees, number, average life span and value of each tree, average three years' advantages value benefited from the trees;
    - (5) Type of crops, number, mature level, and average three years' advantages value;
    - (6) Expenses of Land development operation;
    - (7) Grievance value due to partially confiscated land;
  - (c) The following points shall be recorded for affected families on measurement of the land during field work.
    - (1) Loss of livelihood, job opportunity and advantages due to land acquisition,
    - (2) Grievances of other land which is adjacent to the confiscated land.
  - (d) In land measurement and recording during field work, according to necessary condition, boundary and landmarks shall be erected by expenses of the proposed person.
  - (e) Information shall be given to the person of grievance for each of affected families about records of measurement during field work.
  - (f) The recorded facts shall be proclaimed in order to let the public know with approval of the persons concerned when field work operation is over.
38. The following shall be included in the compensation provision work plan:
- (a) The fairly calculated compensation money shall be approved in the meeting of the Land Acquisition Implementation Team by this law and rules for the compensation money given to the persons with benefit and aggrieved compensation based on the records of field work.
  - (b) Information shall be given to the proposed person to transfer the compensation money personally and aggrieved compensation money to the Land Acquisition Implementation Team according to the list approved by the team.
  - (c) Land acquisition shall be stopped for not paying enough amount of compensation money.

- (d) The following shall be announced to let the public know about approved compensation, the affected person and amount to be given, the last date, the proposed person and location.
  - (1) Proclamation shall be stuck and made in the public places and relevant offices to let all people know under section (36), subsection (a);
  - (2) Information letters shall be sent to each of family lists to draw compensation and grievous money under civil law;
  - (3) If necessary, attached information letters shall be written in general local languages;
- (e) For those who ask for compensation and aggrieved money if authorized persons themselves make careful examination that either he is a right person or not and then allowed to draw money. If he is an agent, only legal agent is allowed to draw compensation money.
- (f) As for the compensation drawer, in spite of receiving compensation money according to his own accord and free will, when the money is drawn, the record shall be made separately between the persons with assent and the persons who are not satisfied with calculating value.

39. The person with benefit on the land and the affected families shall have the right to claim the case to transfer to the court and entitlement of the court's decision if they are not satisfied with fixed compensation and aggrieved money, land area and value, the person who deserves to draw money and the money ratio to be shared.

40. When transferring the case to the court about compensation of land acquisition, the compensation and aggrieved money which have not been drawn yet shall be handed over to the court. If the court has decided more than original fixed compensation and aggrieved money, decision shall be made 15% of land value including increased value.

41. The Land Acquisition Implementation Team shall carry on land acquisition in possession after drawing full compensation and aggrieved money or after transferring the case to the court. After impounding the land, the confiscated land has become the State property without any debt. The said land shall be rendered in the presence of the proposed person who wants to seize the land with case file of transferring land.

42. The committees above the Union Level and the Levels of Region of State working committees shall carry out to implement the programmes of relocation and establishment of social and economic life under section (43) as soon as the procedures of land acquisition in possession and transferring land have been started.

## **Chapter (7)**

### **Resettlement and Rehabilitation of Socio-Economic Life**

43. The Union level and all levels of the Region or State Level committees shall be formed and responsibility shall be given to them for implementing rehabilitation and resettlement of social and economic life in land acquisition activities.

44. The following programmes shall be included in the procedures of implementation under the promulgation of this law which are agreed to perform under section (17), subsection(c) in connection with the activities of rehabilitation and resettlement of social and economic life.

- (a) Housing programmes, necessary basic infrastructure for household social life establishment and basic infrastructure for ward / village development and other requirements.
- (b) The livelihoods based on the occupation of land including agriculture, trading activities, other arrangements of livelihood activities and job opportunities including programmes of establishment for socio-economic life.

45. For the people required resettlement and rehabilitation of socio-economic life, even when the proposed land was headed over to the proposed person if he was not ready to do anything for the affected persons at such a time the proposed person shall arrange for the affected persons with his own expenses for temporary staying as agreed and decided between the affected persons and the proposed person.

46. The Union level and all levels of Region or State Working Committees formed under section (43) shall give separate duties to carry out the matters undertaken by the Government and the matters undertaken by the Land Acquisition Implementations Team under section (42) on the programmes of no coordination ahead with the Land Acquisition Implementation Team.

47. The Union level and all levels of Region or State Working Committees shall be able to solve the matters not to suffer the local people's careers, social life and environment damage due to moving to resettled areas.

48. The Union Level and all levels of Region or State Working Committees shall supervise the condition that can affect women, children, ethnic group, traditionally owned people and vulnerable people.

## **Chapter (8)**

### **Urgent Land Acquisition**

49. In the following situation for requirement of land acquisition, the land Acquisition Implementation Team can take possession of land acquisition urgently beyond 15 days for public purpose in spite of not paying compensation and aggrieved money after land acquisition order issued by the Government.

- (a) Requirement of settlement for the matters of the State defense and security under emergency condition.
- (b) Requirement of a certain land due to sudden changes of the ways of trade, transport and unpredictable circumstances.
- (c) Requirement of a certain land for public trading affairs and emergency communication.
- (d) Requirement of a certain land for the public to move and resettlement due to the condition of land slide, flood, storm and other natural disaster.
- (e) Requirement of a certain land for urgent settlement under the decision of the Pyidaungsu Hluttaw and the Union Government.



50. With reference to the land for urgent land acquisition, the following lands shall be inspected and confiscated as for priority.

- (a) The previously planned lands for emergency matters by the government;
- (b) The least affected lands for public interest;
- (c) Land not used for anything in spite of having right to use;

51. With reference to the land to be confiscated, entering the land and acquisition shall not be done without information of the relevant person 48 hours ahead.

52. (a) In spite of not drawing compensation and aggrieved money in time, after being confiscated, like normal acquisition, compensation and aggrieved money shall be calculated and provided. Moreover, relocation and establishment of social and economic activities need to be continued.
- (b) Separate compensation shall be provided, in case of certain loss for immediate acquisition.

## **Chapter (9)**

### **Temporary Land Acquisition**

53. Temporary land acquisition shall be carried out for the following with approval of the Union Government.

- (a) The matters concerning temporary use of the State security, defense and operation;
- (b) The matters concerning temporary use of activity during the term of the project for the State purpose;
- (c) The matters concerning temporary use of during the project undertaken by local and foreign companies under an agreement of the government;
- (d) The matters concerning temporary use of the Union Government.

54. The temporary land acquisition shall be allowed for three years at the very most.

55. Priority shall be given to the following land as for temporary land acquisition.

- (a) The land not use, in spite of use in possession and right to use;
- (b) The lands causing least affect of public interest due to occupation.

56. The Land Acquisition Implementation Team shall enter into agreement with the people with benefit about compensation and aggrieved money for temporary land acquisition, after issuing notification order of the temporary occupation and the information letter for relevant people relating to which land to which extent of period and which land for which purpose.

57. In temporary land acquisition, when the land Acquisition Implementation Team and people occupied with benefit differ about compensation and aggrieved money, if the relevant person demands to decide the difference of opinion, the Land Acquisition Implementation Team shall appeal to the court to decide.

58. After the term of temporary land acquisition, in case there is some damage in the land when returning the land to the relevant person, the team and relevant person shall coordinate with affected person for compensation.

## **Chapter (10)**

### **Re-occupation of the Transferred Land by the State**

59. In spite of occupation made by any organization by which means, the State can re-confiscate all lands or part of them due to the following conditions.

- (a) Finding of historical valuable inheritance in the occupation of land for the State;
- (b) Finding of valuable resources and rich mining deposit in the occupation of land for the use of the other purpose not for extraction of mining and gem;
- (c) According to the original pact and guarantees, due to failure to comply with conditions on affecting social and economic affairs, retaining them, protection of environmental damage and non-observance, deteriorating social and economic conditions and affecting natural environment and ecology;
- (d) Unimplemented affairs during the term of project as for originally expected target,
- (e) Disuse or no need of utilization as programmed;
- (f) Finding of examination for more demesne than need to use;
- (g) No services and default to carry out according to the agreed to the standard for relocation and rehabilitation of social and economic life;
- (h) Annulling the order of occupation of land by notification of the Union Government, for some reason.

60. If the State expropriates the land again under the above mentioned section (59), subsection from (c) to (g) for some matters, the expenses of occupation of land shall not have right to claim.

61. If government, department and organizations that confiscated the land to undertake some activities for public purpose do not use the confiscated land or not need to be used, or not have the reasons to continue using, the land shall be returned to the State systematically. For this purpose, they have no right to claim anything from the State.

## **.Chapter (11)**

### **Offenses and Penalties**

62. Any person who prevents disturbs and hinders the legally performed matters rendered by the Land Acquisition Implementation Team or the person given power by the team shall, on conviction, be punished with imprisonment for not exceeding one month and shall also be liable to fine for not exceeding 50,000 kyats, and both punishments.

63. The responsible member or the member authorized by the Land Acquisition Implementation Team who committed actions purposely such as the actions undertaken in a dishonest manner and used false evidences without negligence of prescription by law shall, on conviction, be punished with imprisonment for not exceeding one month and shall also be liable to fine for not exceeding 100,000 kyats.

64. Either the Land Acquisition Implementation Team or any member of the Land Acquisition Implementation Team giving false information evidence or untrue records to the team or its authorized person and the team or the member knowingly that he presentations are all untrustworthy, shall present to the Region or State Government or the Naypyitaw Council, shall, on conviction, be punished with imprisonment for not exceeding one year and shall also be liable to fine for not exceeding 300,000 kyats, including both punishments.

65. In dealing with land acquisition about the activities of relocation and rehabilitation of the social and economic life for affected families, in connection with the matters, the responsible person or the authorized person, that is, any person who seeks self-interest by means of malpractice, shall on conviction, be punished with imprisonment for not exceeding three years and shall also be liable to fine for not exceeding ten lacks, including both.

66. In general performances concerning land acquisition programmes, any person who undertakes the work of his own accord by dint of unscrupulousness or the confiscated land is unused in original way, or if unnecessary, at such a time, instead of returning the land to the State, transferring it to other persons without order, shall on conviction be punished with imprisonment for not exceeding one month and shall also be liable to fine for not exceeding one lakh kyats.

## **Chapter (12)**

### **Miscellaneous**

67. About the currency undertaken acquisition under the Land Acquisition Act, 1894, the occupation of land shall be carried out quickly from the beginning of the day on which this law has approved.

68. As long as the rules and orders promulgated by the Land Acquisition Act, 1894 are not against the directives, rules and procedures prescribed by this law, they can be exercised.

69. With reference to the terms to attach in the proposal of land acquisition under section (8), the Union Government can proclaim facts to be exempted by order of notification based on the reason of land occupation.

70. The departments and organizations are not necessary to use the occupation of land or not to use it in a originally expected way and as long as the confiscated land is not returned to the State, the responsible person shall be punished severely in accord with punishments expressed in Chapter (11) if he transfers, gifts, leases or the land to transfer the other departments, organizations or private organizations without authorized person's permission.

71. Without being seized by this Land Acquisition Law, programmes shall continue to be carried on for compensation, aggrieved money, relocation and establishment of social and economic life under this law in spite of detriment of benefit for the reuse of the proposed land as for one of the existing laws.

72. In implementing the provisions contained in this law:

- (a) The Ministry may issue rules, regulations and by-law with approval of the Union Government;
- (b) The Department may issue notifications orders, directives and procedures with approval of the Ministry.

73. The Land Acquisition Act, 1894 shall terminate on the day of coming into force of this law.

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

(sd) Htin Kyaw  
Union President  
The Republic of the Union of Myanmar

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