

# The Law of Protection of the Farmer Rights and Enhancement of their Benefits

(Pyidaungsu Hluttaw Law No. 32, 2013)

4<sup>th</sup> waxing of Thadinkyut, 1375 M.E

(8<sup>th</sup> October, 2013)

The Pyidaungsu Hluttaw hereby enacts this Law.

## Chapter I

### Title and Definition

1. This shall be called the **Law of Protection of the Farmer Rights and Enhancement of their Benefits**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) **Government** means the Government of the Republic of the Union of Myanmar;
  - (b) **Leading Body** means the Leading Body of protection of the farmer rights and enhancement of their benefit formed under this Law;
  - (c) **Working Body** means respective Working Bodies of protection of the farmer rights and enhancement of their benefits in the Region or State and Union territory formed by the Leading Body;
  - (d) **Farmer** means a person who corresponds with any of the followings:
    - (i) a person who carries out himself or a person who has been carried out continuously by himself the agriculture or livestock breeding or both by using the land or by other means as his main living;

- (ii) a person who supervises by himself the agriculture or livestock breeding or both by using the land or by other means in respective year as his main living throughout the business;
  - (iii) a person who carries out by himself or who supervises throughout the business by capitalizing the investment in order to produce seasonal crops, horticultural crops, perennial crops or commercial livestock breeding by using the land or by other means;
  - (iv) a person who participates in business relating to agriculture and livestock breeding by using the land or by other means;
  - (v) a person who produces and sells seedlings, seeds, breeds and offsprings by himself by using the land or by other means for agriculture, livestock breeding and the production connecting to them;
- (e) **Small Plot** means a small plot specified by the rules made under this Law;
- (f) **Agricultural produce** means a product comes from agriculture or livestock breeding;
- (g) **Input** means costs, equipment and all family labour used from the time of preparation of agriculture and livestock breeding to the market;
- (h) **Agriculture Capital** means all form of lands, nursery ponds, fish ponds, breeding farms, materials and equipment including invested inputs from the time of preparation of agriculture and livestock breeding to the market;
- (i) **Farm Land** means land considered as low land, upland, silty land, high elevation upland, perennial crops land, nipa palm land, garden land or

horticultural crops land or alluvial land. In these expressions, housings, religious buildings and precincts within town boundary and village boundary and communal land which are not used for agriculture are not included.

## **Chapter II**

### **Objectives**

3. Objectives of this Law are as follows:

- (a) to support farmers by providing suitable loans and assistance for investment;
- (b) to manage for providing technology, input and production facility to farmers smoothly to improve production;
- (c) to assist farmers for getting reasonable price and market in selling agricultural produces;
- (d) to protect the rights of farmers possessing small plot and to enhance their benefits effectively;
- (e) to provide aids as much as possible for loss and damage caused by any natural disaster.

## **Chapter III**

### **Formation of Leading Body for Protection of Farmer Rights and Enhancement of their Benefits and Duties and Functions thereof**

4. The Union Government shall, in order to perform protection of farmer rights and enhancement of their benefits, form the Leading Body with the following persons led by the Union Minister for the Ministry of Agriculture and Irrigation, the Union Minister for the Ministry of Livestock Breeding, Fisheries and Rural

Development and the Union Minister for the Ministry of Commerce of the Union Government:

- (a) representatives from appropriate Union Ministries;
- (b) persons from organizations representing farmers and other appropriate organizations.

5. Duties and functions of the Leading Body are as follows:

- (a) assisting farmers to produce and sell profitable crops freely;
- (b) educating the right choice of cropping pattern conformity with the region;
- (c) arranging loan and assistance for the farmer when it is required for agricultural production;
- (d) assisting to sell agricultural produces freely within the country and to export them legally;
- (e) supporting modern technology and inputs for the development of agriculture and livestock breeding, establishment and encouragement of research;
- (f) assisting and encouraging farmers to be familiar with insurance system of agricultural produces, system of keeping at warehouse, system of pledging crop and profit sharing system in agriculture and livestock breeding and habits;
- (g) linking with the market to get reasonable prices for agricultural produces of farmers;
- (h) coordinating with the relevant Ministries to get continuous import quota of the trading partner in exporting agricultural produces,

communicating and coordinating with international organizations and regional organizations of each category of agricultural produce;

- (i) communicating to get information of agricultural produce markets and prices comprehensively and timely;
- (j) assisting and protecting farmers in respect of the rights of farmers and assurance of permission to carry out the farm land;
- (k) submitting to the Pyidaungsu Hluttaw, through the Union Government, to amend if there are provisions which inhibit the rights and benefits of farmers in any existing law;
- (l) giving prior assistance to farmers possessing small plot who encounter damage to the farm land and crops due to a natural disaster or infestation of pests or diseases and other causes;
- (m) coordination with the relevant Union Ministries, Region or State Government, Administrative Organization of the Union Territory and non-government organizations in order to implement its duties and functions effectively;

6. The Leading Body-

- (a) may, if necessary, assign by forming the Agricultural Produce Management Body;
- (b) shall, by analyzing the category of the crops to purchase and purchasing plan submitted by the Agricultural Produce Management Body, submit to the Union Government.

7. The Leading Body shall form necessary working committees or working bodies with suitable persons from the Region Government, State Government

and Administrative Organization of the Union Territory and other experienced persons and assign them in implementing the objectives and functions of this Law.

## **Chapter IV**

### **Protection of the Farmer Rights and Enhancement of their Benefits**

8. The Leading Body shall coordinate and assist farmers in order to get the following rights:

- (a) right to select and cultivate crops they desire freely on their farm land without injuring paddy cultivation, the staple food of the State;
- (b) right to get reasonable agricultural loan;
- (c) right to transport and sell agricultural produces freely;
- (d) right to insure agricultural produces;
- (e) right to establish farmer associations or organizations in accord with the existing laws;

9. The Leading Body shall undertake the following rights and benefits which are entitled to peasants:

- (a) connecting, as managing by coordination necessary, to protect the right of farmers in accord with law;
- (b) carrying out to get required inputs for farmers and benefits relating to the farm land in accord with the existing laws;
- (c) coordinating to get reasonable prices and markets for cereals and crops produced by peasants;

- (d) protecting in order not to occur land acquisition which is unfair and not in conformity with the existing laws;
- (e) assisting to enjoy full rights of Agricultural Labours.

10. The Leading Body shall take necessary measures in order to protect the rights which are entitled to farmers possessing small plots and to promote the rights of farmers effectively.

11. The Leading Body shall coordinate and contribute necessary technology, resource, machine, raw material in order to reform manual agriculture to mechanized agriculture.

12. The Leading Body shall submit to the Union Government in order to implement effectively by laying down the National Plan for the simultaneous development around the country of getting agricultural water and communication of roads for production.

## **Chapter V**

### **Loan and Assistance**

13. The Leading Body shall, with the approval of the Pyidaungsu Hluttaw through the Union Government, in order to a year long loan, short term and long term loan within the limit of the Union Fund and provide necessary assistance and aids for getting reasonable resource in carrying out agriculture and livestock breeding of farmers.

14. The Leading Body shall, with the approval of the Union Government, stipulate the amount of loan, low interest rate, period of pay back and terms and conditions in loaning under section 13.

15. The Leading Body shall, in respect of loans, coordinate to be in time with the respective growing season and production season to loan farmers when they need resource and to pay back when their agricultural produces are harvested and when they get income.

16. The Leading Body shall manage to have loan, assistance and aids to farmers who are actually entitled to enjoy it.

17. The Leading Body shall:

- (a) arrange to get necessary assistance and aids for farmers if their farm lands, agricultural produces and agricultural resources are damaged due to a natural disaster or inundated with salt water or infestation of diseases and other causes;
- (b) submit the recommendation with situational analysis to the Union Government in order to incur a reasonable amount of money from the Union Fund to get relief in respect of the loss of farmers possessing small plots in carrying out assistance under sub-section (a).

18. The Leading Body shall supervise for taking action in accord with the relevant existing laws if agricultural produces are damaged and agricultural resources are lost because of shortcoming and inconsistent with the guaranteed standard of seeds, fertilizer, pesticides, weedicides and any other chemical for agriculture or livestock breeding.

19. The Leading Body shall arrange to get necessary assistance and appropriate aids to farmers whose livestock are being destroyed and killed by the concerned authority in accord with law for the sake of public health because of a natural disaster or infestation of epidemic disease.

## Chapter VI

### Technology, Inputs and Production Assistance

20. The Leading Body shall, in respect of agriculture and livestock breeding, carry out the followings:

- (a) encouraging to develop standard private seed research works and private seed production;
- (b) coordinating with local and foreign organizations to get modern agriculture and livestock breeding technology which are appropriate with the region and nature and technology which raises the prices of agricultural produce for farmers and education;
- (c) coordinating to get information relating to meteorology, natural disaster, infectious diseases and other related information to farmers as soon as possible;
- (d) connecting with the organizations which carry out dissemination of market and price information to get local and foreign market and coordinating to increase marketable agricultural produces;
- (e) coordinating with the relevant financial organizations to purchase agricultural machinery such as ploughing machine, harvesting machine and threshing machine in instalment by peasants;
- (f) carrying out to guarantee in production, import, preparation, package and sales of fertilizer and pesticides that they meet with the standards and are safe for use and to aware farmers the defects of fertilizer and pesticides without guarantee in time.

## **Chapter VII**

### **Carrying Out to get Reasonable Prices and Market for Agricultural Produces**

21. The Leading Body shall, if necessary, form and assign the Agricultural Produce Management Body under sub-section (a) of section 6.
22. The Leading Body shall, in order to protect the rights and to enhance the benefits of farmers, arrange to purchase by suitable means including tender system by the Agricultural Produce Management Body if agricultural produces are necessary to purchase.
23. Leading Body shall, after examining the category of crops and the plan to purchase under section 22, submit to the Union Government.
24. The Leading Body shall, in order to incur required fund from the Union Budget in purchasing agricultural produce, get approval from the Union Government.
25. Profit and loss account resulted from trading shall be audited by the auditor assigned by the Leading Body.
26. The Agricultural Produce Management Body may, in performing its functions, coordinate with the relevant department and organizations and regional working bodies.

## **Chapter VIII**

### **Miscellaneous**

27. Whoever commits cutting off or misappropriation of loan, assistance and aids by any means shall be deemed committing dishonest misappropriation under the Penal Code.

28. The Ministry of Agriculture and Irrigation shall be responsible for the expenses and office works of the Leading Body.

29. In implementing this Law:

- (a) the Ministry of Agriculture and Irrigation may, with the approval of the Union Government, issue necessary rules, regulations and by-laws in coordination with the Leading Body;
- (b) the Leading Body and the relevant Union Ministries may issue necessary notifications, orders, directives and procedures.

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

Sd/

Thein Sein

President

Republic of the Union of Myanmar