

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

(Pyidaungsu Hluttaw Law No. 32, 2013)

4th waxing of Thadinkyut, 1375 M.E

(8th 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 precients 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 stable 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.

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

(Sd.) Thein Sein

President

The Republic of the Union of Myanmar

The Law Amending the Protection of Farmer Rights and
Enhancement of their Benefits Law
(Pyidaungsu Hluttaw Law No. 47,2014)
13th Waning of Tazaungmon, 1376 M.E.
(19 November, 2014)

The Pyidaungsu Hluttaw hereby enacts this Law.

1. This Law shall be called the Law Amending the Protection of Farmer Rights and Enhancement of their Benefits Law.

2. Section 4 of the Protection of Farmer Rights and Enhancement of Their Benefits Law shall be substituted as follows:

“4. The Union Government shall, for enabling to perform protection of farmer rights and enhancement of their benefits, from the Leading Body with the following persons led by a Vice President.

(a) The Union Level personnel from relevant Union Ministries;

(b) Persons from the relevant Government departments and Government organizations;

(c) Persons from organizations representing farmers and other appropriate organizations.”

I hereby sign in accord with the Constitution of the Republic of the Union of Myanmar.

(Sd.) Thein Sein
President
The Republic of the Union of Myanmar

**The Second Amending Law of the Protection of Farmer's Rights and
Enhancement of their Benefits Law
(The Pyidaungsu Hluttaw Law No.36, 2018)
The 11th Waxing of Nadaw. 1380 M.E.
(18th December 2018)**

The Pyidaungsu Hluttaw hereby enacts this Law.

1. This law shall be called **the Second Amending Law of the Protection of Farmer's Rights and Enhancement of their Benefits Law.**
2. The expressions "the Ministry of Agriculture and Irrigation" and "the Union Government" contained in the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted by the expressions "the Ministry of Agriculture, Livestock and Irrigation" and "the Government" respectively.
3. After sub- section(e) of section 3 of the Protection of Farmer's Rights and Enhancement of their Benefits Law, sub- sections (f) and (g) shall be inserted as follows:
 - “(f) to assist farmers not to be affected by farm-land acquisition and to protect land use right;

(g) to emphasize the enactment of a law relating to farmers organization.”

4. The introduction and sub-section (c) of section 4 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law shall be substituted as follows:

“4. The Government shall, in order to protect farmer’s rights and enhance their benefits, from the Leading Body with the following persons led by a Vice- President:

(c) persons from organizations that represent for farmers and other appropriate organizations and experienced external persons.”

5. After sub-section 4 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law, section 4-A shall be inserted as follows:

“4-A. The Government may re-form the Leading Body formed under section 4, if necessary.”

6. In section 5 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law:

(a) sub-sections (a), (b) and (c) shall be substituted as follows:

- “(a) assisting farmers freely to carry out profitable crops cultivation and livestock breeding in accordance with law;
- (b) educating farmers to choose the cropping pattern and category of crops, and type of animals that are suitable for the region;
- (c) arranging loans and assistance for farmers when it is required for agricultural production and livestock breeding;”

(b) After sub-section (j), sub-section(k) shall be inserted as follows:

- “(k) coordination with relevant government departments and government organizations for enactment of a law relating to farmers organization;”

(c) The original sub-sections (k), (l) and (m) shall be renumbered as sub-sections (l), (m) and (n), and the renumbered sub-section(m) shall be substituted as follows:

“(m) providing assistance priority to farmers who possess small plot and their farm land and crops, fish farms or livestock farms and animals raised on farms have been damaged by natural disaster or infestation of pest of disease or other causes;”

(d) After renumbered sub-section (n), sub-section (o) shall be inserted as follows:

“(o) coordination with relevant government departments and government organizations to fill necessary staff, to promote the qualification and skill of staff, to obtain certificates of good agriculture practice and good animal husbandry practice and necessary recommendation for agricultural produce, and to enjoy the rights of farmers in accordance with law.”

7. In section 6 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law:

(a) sub-section (b) shall be substituted as follows:

“(b) shall submit categories of agricultural produce to be purchased and plan for purchase submitted by the Agricultural Produce Management Body to the Government, after analyzing them.”

(b) after sub-section (b), sub-section (c) shall be inserted as follows:

“(c) may re-form the Agricultural Produce Management Body formed under sub-section(a), if necessary.”

8. Section 7 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law shall be substituted as follows:

“7. The Leading Body:

(a) shall form necessary working committees or working bodies with suitable persons from the Region or State Government, Administrative Body of the Union Territory and other experienced external persons, and assign them in order to implement the objectives of this Law and functions of the Leading Body.

(b) shall re-form the working committees or working bodies formed under sub-section (a), if necessary.”

9. In section 8 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law;

(a) The expression “freely” contained in sub-section (a) shall be substituted by the expression “in accordance with the relevant law”

(b) sub-section (b) shall be substituted as follows:

“(b) right to get reasonable loans for agriculture and livestock breeding according to respective business;”

(c) After sub-section (e), sub-section (f) shall be inserted as follows:

“(f) right to use customary agricultural land of the indigenous people in accordance with laws.”

10. In section 9 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law;

(a) the expression “cereals and crops produced by farmers” contained in sub-section (c) shall be substituted by the expression “farmer’s agricultural produce.”

(b) after sub-section (e), sub-sections (f) and (g) shall be inserted as follows:

(f) encouraging to take action in accordance with law relating to agricultural produce imported from abroad illegally;

(g) supervising and assisting (farmers) to get qualified seedlings, seeds, breeds, offspring, fertilizers and pesticides, and animal food and veterinary drugs at reasonable price for agriculture and livestock breeding.”

11. Section 11 of the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted as follows:

“11. The Leading Body shall coordinate with farmers and contribute necessary technology, resources, machines and raw materials to reform in agriculture from conventional to mechanized farming and reform in livestock breeding from traditional to systematic livestock breeding.”

12. Section 13 of the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted as follows:

“13. The Leading Body shall obtain the permission of the Pyidaungsu Hluttaw through the Government to grant farmers annual, short term and long term loans within the limit of the Union Budget in order to get reasonable resources and to provide necessary assistance and support to farmers for agriculture and livestock breeding.”

13. Section 16 of the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted as follows:

“16. The Leading Body shall:

- (a) ensure that the farmers who are, under any existing law, entitled to loans, assistance, support and reasonable resources receive them in full.

- (b) coordinate granting and paying back the annual, short term and long term loans by and to the bank recognized by the government, or the company, association or organization recognized by the government in accordance with the regulations to carry out loan business as a special matter for the benefits of farmers.”

14. The expressions “seeds” and “shortcoming and inconsistent with the guaranteed standard” contained in section 18 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law shall be substituted by the expressions “seedlings, seeds, breeds and offspring”, and “shortcoming of or inconsistent with the guaranteed standard.”

15. In section 20 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law;

- (a) sub-section (a) shall be substituted as follows:

“(a) encouraging private sector to develop research on and production of qualified seedlings, seeds, breeds and offspring;”

- (b) sub-sections (e) and (f) shall be substituted as follows:

“(e) coordination with the relevant financial institutions to ensure that farmers can purchase machinery and equipment for agriculture and livestock breeding in installment that are needed for them;

(f) ensuring that the production, import, preparation, package and sale of seedlings, seeds, fertilizers and pesticides come with a guarantee that they meet with the standards and are safe for use, and farmers are aware of the defects of seedlings, seeds, fertilizers and pesticides that have no guarantee, in time.”

(c) After sub-section (f), sub-section (g) shall be inserted as follows:

“(g) coordinating the production, import, preparation, package and sale of breeds, offspring, animal food and veterinary drugs to come with a guarantee that they meet with the standards and are safe for use, and purchase of them at a reasonable price easily.”

16. Section 23 of the Protection of Farmer’s Rights and Enhancement of their Benefits Law shall be substituted as follows:

“23. The Leading Body shall submit categories of agricultural produce to be purchased and plans for purchase under section 22, to the Government, after analyzing them.”

17. Section 25 of the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted as follows:

“25. the accounts of profit and loss resulted from trading shall be audited by the audit team comprising experts from the Office of the Auditor- General of the Union assigned by the Leading Body.”

18. Section 27 of the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted as follows:

“27. Where any person is entrusted with a loan, assistance and support that are granted to farmers under this Law or right to manage them by any means, action will be taken against him under the law if he uses or manages that loan, assistance and support dishonestly.”

19. After section 27 of the Protection of Farmer's Rights and Enhancement of their Benefits Law, section 27-A shall be inserted as follows:

“27-A. The relevant Working Bodies shall submit the operational report to the Leading Body and the Leading Body shall submit it to the Government in accordance with stipulations under this Law.”

20. Sub-section (a) of section 29 of the Protection of Farmer's Rights and Enhancement of their Benefits Law shall be substituted as follows:

“(a) The Ministry of Agriculture, Livestock and Irrigation may, with the approval of the Government, issues rules, regulations and by-laws in coordination with the Leading Body.”

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

(Sd.) Win Myint

President

The Republic of the Union of Myanmar