



TRANSLATION

OF

AGRICULTURAL LAND REFORM ACT

AGRICULTURAL LAND REFORM OFFICE (ALRO)
MINISTRY OF AGRICULTURE & COOPERATIVES
THAILAND

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Translation of Agricultural Land Reform Act
by Panita Satutum

This publication is not meant to serve as a legal document. The interpretations therein are those of the translator and the ALRO cannot be held responsible for legal implication of the content thereof.

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FOREWORD

The Agricultural Land Reform Act, B.E. 2518 (1975) was first translated into English in 1976, subsequently in 1987 following its first amendment. Upon its latest amendment in 1989, a translation was made and prepared for the use among ALRO's personnel themselves.

As a result of interest in the English version from within and outside the ALRO, the translation has been revised and published for wider uses.

It is our hope that this publication will be a helpful reference for those interested in the legislation of agricultural land reform in Thailand.



(Prasertphand Pipatanakul)

Secretary-General

ALRO

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Translation of Agricultural Land Reform Act

AGRICULTURAL LAND REFORM ACT
B.E. 2518 (1975)⁽¹⁾

BHUMIBOL ADULYADEJ, REX.

**Given on the 14th Day of February B.E. 2518;
Being the 30th Year of the Present Reign.**

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on agricultural land reform;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act is called "Agricultural Land Reform Act, B.E. 2518".

Section 2. This Act shall come into force on and from the day following the date of its publication in the Government Gazette.⁽²⁾

Section 3. All other laws, rules and regulations in so far as they have already provided herein, or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

⁽¹⁾ As amended by the Agricultural Land Reform Act (No.2 and 3), B.E. 2519 (1976) and B.E. 2532 (1989).

⁽²⁾ Published in the Government Gazette Vol. 92 Part 54, Special Issue, page 10, dated 5th March B.E. 2518 (1975)

Section 4. In this Act;

“Agricultural Land Reform” means improvement of rights and holdings in agricultural land, as well as provision of dwelling places on such agricultural land; whereby the State allocates State land or land purchased or expropriated from landowners, who do not utilize such land themselves or own land in excess of their rights in accordance with this Act, to farmers who own no land or have small pieces of land which are insufficient to earn their living, and to farmer institutions on a hire-purchase, leasehold or usufruct basis. In this connection, the State shall contribute to the development of farming occupations, improvement of resources and production inputs, production and marketing facilities;

“Land Reform Area” means an area designated in the Royal Decree as the agricultural land reform area;

“State land” means all land parcels which are State property or ⁽¹⁾*domaine public* under the Civil and Commercial Code and land within national reserved forest areas where the Minister of Agriculture and Cooperatives entitles persons to live in or utilize under the law on National Reserved Forests;

“Landowner” means a person who has land rights under the Land Code;

“Agriculture” means paddy cultivation, field crops cultivation, horticulture, animal raising, aquaculture, and other activities as prescribed by the Minister of Agriculture and Cooperatives and published in the Government Gazette;

“Farmer institution” means a Farmers’ Association, an agricultural co-operative, or a federation of agricultural cooperatives under the law on cooperatives;

⁽²⁾**“Farmer”** means a person whose main occupation is farming and also means a landless, who is either poor or a graduate in agriculture or a child of a farmer, wishing to engage mainly in agriculture in compliance with rules and conditions prescribed in the Royal Decree;

⁽¹⁾ Public domain

⁽²⁾ As amended by Section 3 of the Agricultural Land Reform Act (No.3) B.E. 2532 (1989).

"Leasing of agricultural land" means a lease or sublease of agricultural land with the consent of the lessor whether in writing or not. It also means a consent to use the agricultural land in return of land rent or any other juristic act with the purpose of concealing such leasing;

"Land rent" means agricultural produce, money or any other valuables which serve as a payment for land leasing. It also means any form of benefits which may be converted into money, directly or indirectly received by the lessor or other persons as repayment for land leasing;

"Self-farming landowner" means a landowner who carries out agricultural production by investing in and enjoying benefits directly from the production and is not a lessor of such land;

"Persons in the same family" means spouses and descendants who are not *sui juris*;

"Competent officials" means all those officials appointed by the Minister for the execution of this Act;

"Executive Committee" means the Agricultural Land Reform Executive Committee;

"Minister" means the Minister who is in charge and control of the execution of this Act;

(1)Section 5. The Minister of Finance, the Minister of Agriculture and Cooperatives and the Minister of Interior shall be in charge and control of the execution of this Act, and shall have the power to appoint competent officials and to issue Ministerial Regulations for the execution of this Act in relation to the power and duties of each ministry.

The Ministerial Regulations shall come into force upon their publication in the Government Gazette.

⁽¹⁾As amended by Section 5 of the Agricultural Land Reform Act (No.2), B.E. 2519 (1976).

CHAPTER 1

AGRICULTURAL LAND REFORM OFFICE

Section 6. There shall be the **Agricultural Land Reform Office** established in the Ministry of Agriculture and Cooperatives, having the objective to carry out agricultural land reform under this Act, to be called in brief as **ALRO**.

Section 7. The ALRO shall be a public body having the status equivalent to a Department headed by a Secretary-General.

Section 8. The ALRO shall have the power and duty to undertake agricultural land reform implementation in accordance with this Act.

Section 9. There shall be a fund established in the Ministry of Finance to be called as the **Agricultural Land Reform Fund** consisting of money and properties as prescribed under Section 10 to be used as revolving capital and spent for agricultural land reform.

The revenue that the ALRO receives from agricultural land reform shall be credited to the account of the Agricultural Land Reform Fund and not to be remitted to the Treasury as the State revenue.

The spending of the Agricultural Land Reform Fund shall be made only for agricultural land reform under the regulations prescribed by the Minister with approval of the Ministry of Finance.

The Ministry of Finance shall keep in custody the money of the Agricultural Land Reform Fund and disburse the money therefrom for the expenditure under this Act.

Section 10. The Agricultural Land Reform Fund consists of :

- (1) money allocated under the State appropriations ;
- (2) money or other properties received from the Government or other sources

- within the country or abroad or from international organizations or other persons;
- (3) money received from the Farmers' Aid Fund under the law on Farmers' Aid Fund;
 - (4) money, interests or any forms of benefits received by the ALRO in relation to agricultural land reform implementation.

Section 11. Upon issuance of the Royal Decree designating a Land Reform Area under Section 25 applicable in any Province, a **Provincial Land Reform Office** shall be established under the Agricultural Land Reform Office having the power and duties in carrying out agricultural land reform activities as prescribed by the Executive Committee and the Provincial Land Reform Committees.

Where a land reform area is designated to cover the land in two provinces or more, the Executive Committee may authorize any one of the Provincial Land Reform Offices to carry out agricultural land reform implementation for the whole Land Reform Area, regardless of whether there is a Provincial Land Reform Office in the related provinces or not.

The Agricultural Land Reform Office under Section 6 shall also perform duties as the Bangkok Metropolitan Land Reform Office.

CHAPTER 2

AGRICULTURAL LAND REFORM EXECUTIVE COMMITTEE AND PROVINCIAL LAND REFORM COMMITTEE

⁽¹⁾**Section 12.** There shall be an **Agricultural Land Reform Executive Committee** consisting of the Minister of Agriculture and Cooperatives as Chairperson, the Permanent Secretary for Agriculture and Cooperatives, the Permanent Secretary for Commerce, the Permanent Secretary for Interior, the Permanent Secretary for Industry, the Director-General of the Royal Irrigation Department, the Director-General of the Department of Livestock Development, the Director-General of the Royal Forestry Department, the Director-General of the Department of Fisheries, the Director-General of the Land Development Department, the Director-General of the Department of Agricultural Extension, the Director-General of the Cooperatives Promotion Department, the Secretary-General of the Office of Agricultural Economics, the Director-General of the Department of Local Administration, the Director-General of the Community Development Department, the Director-General of the Department of Lands, the Director-General of the Department of Public Welfare, the Director-General of the Department of Industrial Promotion, the Director-General of the Treasury Department, the Director-General of the Comptroller-General's Department, the Director of the Bureau of the Budget, the General Manager of the Bank for Agriculture and Agricultural Cooperatives, the President of the Central Committee of the Farmers Association of Thailand, and the President of Agricultural Cooperative Federation of Thailand as members, together with other members not in excess of nine appointed by the Council of Ministers consisting of six farmers' representatives and not in excess of three experts. The Secretary-General of the Agricultural Land Reform Office shall serve as member and secretary.

Upon issuance of a Royal Decree designating the Land Reform Area under Section 25 applicable to a locality of Bangkok Metropolitan, the Executive

⁽¹⁾As amended by Section 5 of the Agricultural Land Reform Act (No.3), B.E. 2532 (1989).

Committee shall perform the duties of the Provincial Land Reform Committee for Bangkok Metropolitan.

⁽¹⁾**Section 13.** Subject to Section 12 Paragraph two, when the issuance of a Royal Decree designating Land Reform Area under Section 25 is applicable to any district of any province, there shall be a committee for agricultural land reform in such province to be called the "**Provincial Land Reform Committee**" consisting of Provincial Governor as Chairperson, the Director of the Provincial Agricultural Extension Office, the Director of Provincial Livestock Development Office, the Director of Provincial Forestry Office, the Director of Provincial Fisheries Office, a representative of the Royal Irrigation Department, a representative of the Land Development Department, the Director of Provincial Cooperative Promotion Office, the Director of the Provincial Commercial Office, the Director of the Provincial Land Office, District Chief Officer and Minor District Chief Officer in the locality wherein agricultural land reform is implemented, the Director of the Provincial Community Development Office, the Director of the Provincial Public Welfare Office, the Director of the Provincial ⁽²⁾*Ratchaphatsadu Land* Office, the Director of the Provincial Industrial Office, a representative of the Bank for Agriculture and Agricultural Cooperatives, and four farmers' representatives of such province appointed by the Minister as members. The Director of the Provincial Land Reform Office shall act as member and secretary.

Section 14. The members appointed under Section 12 and Section 13 shall hold office for a term of two years.

In the case where there is an appointment of a member during the term of the preceding member, the person so appointed shall be in office for the remaining term of the preceding member.

A member who vacates office may be reappointed.

Section 15. A member who has been appointed shall not have any direct or indirect interest in a contract with the ALRO or in any activity performed

⁽¹⁾ As amended by Section 5 of the Agricultural Land Reform Act (No.3), B.E. 2532 (1989).

⁽²⁾ Government Land under the Treasury Department, Ministry of Finance.

for the ALRO.

Section 16. In addition to the expiration of term of office under Section 14, Paragraph one, a committee member who has been appointed shall vacate office upon:

- (1) death ;
- (2) resignation ;
- (3) being ordered by the Council of Ministers or the Minister who has the power of appointment, as the case may be;
- (4) being disqualified under Section 15.

Section 17. At a meeting of the Executive Committee, the attendant of not less than one-half of the total number of members shall constitute a quorum.

If the Chairperson is not present or is unable to perform the duties, the members present shall elect one of the members to serve as the Chairperson of the meeting.

Section 18. A decision of the meeting shall be made by a majority vote.

Each committee member shall have one vote. In case of an equal number of votes, the Chairperson of the meeting shall have a casting vote.

Section 19. The Executive Committee shall have the power, duties and responsibilities in prescribing policies, measures, rules or regulations concerning land reform implementation undertaken by the ALRO as well as supervising the ALRO's administration, and shall also have the following power, duties and responsibilities :

- (1) to provide State land for agricultural land reform;
- (2) to consider and designate the Land Reform Areas in accordance with Section 25, the purchase or expropriation of land in accordance with Section 29, and the determination of the size of land for farmers or farmer institutions for a long-term leasehold or hire-purchase in accordance with Section 30;
- (3) to consider physical layouts and land parcelling in Land Reform Areas;

- (4) to consider and approve the programmes and projects of agricultural land reform including expenditure estimates of the ALRO for submission to the Minister;
- (5) to consider and determine production and marketing plans of agricultural produce in the Land Reform Areas in order to raise the income level and protect the benefit of farmers or farmer institutions;
- (6) to consider and determine the plans for agricultural extension and promotion in the Land Reform Areas, including agricultural land consolidation, and to improve productivity and quality of agricultural produce as well as welfare, public utilities, education and public health services for farmers;
- (7) to establish rules, procedures and conditions for the selection of farmers and farmer institutions eligible to acquire land from agricultural land reform as well as to prescribe forms of lease and hire-purchase contracts to be made with the farmers or the farmer institutions provided with land;
- (8) to establish regulations for the farmers and farmer institutions, having acquired land under the agricultural land reform, to comply in respect of land utilization and in accordance with the production and marketing plans of agricultural produce;
- (9) to establish rules and procedures on loan to be granted by the ALRO to the farmers and farmer institutions in the Land Reform Areas, including conditions of loans with approval of the Minister;
- (10) to establish rules for the management of assets and debts of farmers and farmer institutions, having acquired land under the agricultural land reform, including the supervision of other activities within the Land Reform Areas;
- (11) to monitor the implementation undertaken by the ALRO to be in line with the approved programmes and projects as well as to establish remedial measures for various problems arising from such implementation ;
- (12) to establish other activities and regulations relating to the implementation undertaken by the ALRO or, providing support to or in connection with the objectives of agricultural land reform.

Section 20. The Provincial Land Reform Committee shall have the power, duties and responsibilities in establishing operational measures and procedures taken by the Provincial Land Reform Office, and shall have the following power, duties and responsibilities :

- (1) to consider and approve programmes, projects and expenditure estimates of the Provincial Land Reform Office prior to submission to the Executive Committee;
- (2) to monitor the implementation undertaken by the Provincial Land Reform Office to be in accordance with the approved programmes and projects as well as to solve various problems arising from such implementation;
- (3) to assess the implementation with a view to improve the programmes, projects, expenditure estimates, and operational procedures taken by the Provincial Land Reform Office;
- (4) to prepare expenditure estimates of each project under the agricultural land reform for submission to the Executive Committee;
- (5) to undertake financing and other activities concerning agricultural land reform under the rules, regulations or the resolutions set by the Executive Committee, or as assigned by the Executive Committee; and
- (6) to establish rules or regulations concerning the implementation by the Provincial Land Reform Office as far as they are not contradictory to the rules or regulations or resolutions set by the Executive Committee.

Section 21. The Executive Committee or Provincial Land Reform Committee shall have the power to appoint one or several subcommittees to scrutinize on various matters or to carry out any assignment made by the Executive Committee or Provincial Land Reform Committee.

The provision of Section 17 shall apply to the meetings of the subcommittees *mutatis mutandis*.

Section 22. Within the period of 90 days from the end of every fiscal year, the Minister shall promulgate the financial report of the ALRO in the Government Gazette.

When the Audit Council of Thailand has audited the financial report as stated in the first paragraph, the audit report shall be submitted to the Council of Ministers and subsequently to the National Assembly for information.

Section 23. The competent officials shall have the power to inspect agricultural activities or utilization or other activities under this Act on the land within the Land Reform Areas between sunrise and sunset and shall show his identity card to all persons concerned. The owners or occupants of the land or any persons concerned shall provide them with facilities as deemed reasonable.

The identity card shall be of the form prescribed by the Minister and published in the Government Gazette.

Section 24. The Chairpersons, members of the Executive Committee and the Provincial Land Reform Committee, members of subcommittee, Secretary-General of the ALRO, Deputies Secretary-General of the ALRO and the competent officials shall be the officials under the Penal Code.

CHAPTER 3

AGRICULTURAL LAND REFORM IMPLEMENTATION

Section 25. The designation of a Land Reform Area in any locality shall be enacted by a Royal Decree.

Upon the issuance of the Royal Decree under Paragraph one, a map showing the boundaries and specifying the localities within the Land Reform Area shall be annexed thereto. Such map shall be a part of the Royal Decree.

⁽¹⁾The designation of the Land Reform Area in Paragraph one shall cover only the areas to be under agricultural land reform implementation. Unless in case of necessity, it may be based upon the boundaries of subdistrict or district. The large number of landless farmers or those with small land holdings insufficient to earn their living or those who have to rent land from others for farming purposes constitute criteria for setting priorities in designating any district as a Land Reform Area. In the case where the designation of a Land Reform Area is based upon the boundaries of a subdistrict or a district, only the areas outside municipality and sanitary district shall be included.

Agricultural land reform shall be implemented without delay. Agricultural land surveys and project formulation for implementing land reform covering all provinces throughout the Kingdom shall be completed within three years from the date of the coming into force of this Act.

(2)Section 25. Bis. If the land parcels acquired by the ALRO are very small and not located in Land Reform Areas, the ALRO shall have the power to allocate such land to farmers or farmer institutions in accordance with Section 30 as if they were located in the Land Reform Areas without having to designate such area as a Land Reform Area under Section 25.

⁽¹⁾ As amended by Section 6 of the Agricultural Land Reform Act (No.3), B.E. 2532 (1989)

⁽²⁾ As amended by Section 7 of the Agricultural Land Reform Act (No. 3), B.E. 2532 (1989)

⁽¹⁾**Section 26.** Upon the issuance of a Royal Decree designating a Land Reform Area applicable to any area :

- (1) if, within the Land Reform Area, there exists *domaine public* for the common use by people but they have discontinued utilizing such land or such common use has changed, or the people are still utilizing such land or such common use has not changed from being used in common by the people, when another plot of land has substituted for it for the common use by the people through promulgating in the Government Gazette by the Executive Committee, such Royal Decree designating the Land Reform Area shall effect revocation of the said land as being *domaine public* for the common use by the people without having to proceed with revocation under the Land Code; and the ALRO shall have the power to undertake agricultural land reform in the said land.
- (2) if, within the Land Reform Area, there exists *domaine public* serving exclusively the State interest or land reserved or retained for official purposes, with the approval of the Ministry of Finance, the Royal Decree designating the Land Reform Area shall effect revocation of the said land as being *domaine public* without having to proceed with revocation under the law on *Ratchaphatsadu Land*, and the ALRO shall have the power to undertake agricultural land reform in the said land;
- (3) if, within the land reform area, there exists *domaine public* which is waste land or land surrendered or abandoned or reverted to the State by other means under the Land Code and such land is outside the boundaries of the permanent forest according to the resolution of the Council of Ministers, the ALRO shall have the power to implement agricultural land reform in the said land;
- (4) if the land is in a national reserved forest, and the Council of Ministers has a resolution to implement agricultural land reform in any part of the national reserved forest, when the ALRO decides that agricultural land

⁽¹⁾ As amended by Section 8 of the Agricultural Land Reform Act (No. 3), B.E. 2532 (1989)

reform shall be implemented in any plot of land within such area, the Royal Decree designating the Land Reform Area shall effect revocation of the said plot as being the national reserved forest and the ALRO shall have the power to use such land for agricultural land reform without having to proceed with revocation under the law on National Reserved Forests;

To facilitate agricultural land reform implementation in accordance with (4), the competent officials under this Act shall be the competent officials under the law on National Reserved Forests and shall have the power to lease out the national reserved forest lands and the land rent received shall be remitted to the Agricultural Land Reform Fund.

Section 27. Upon issuance of a Royal Decree designating a Land Reform Area applicable to any locality, the competent officials or those working with them shall have, within the Land Reform Area, the following powers :

- (1) to enter the area and undertake what is necessary to conduct a cadastral survey, provided that the owner or the occupant of the land must be informed in advance;
- (2) to mark boundaries or border lines by staking or trenching. In the case where mapping stakes must be placed within the land belonging to any person, the competent officials shall have the power to do so where necessary.

Where necessary and appropriate, the competent officials shall have the power to dig, cut and trim branches of trees and undertake other necessary act against obstruction of the cadastral survey. In so doing, care must be taken to cause the least damage to the owner or occupant of immovable property.

The owners or occupants of the land and person concerned shall provide them with facilities as deem reasonable.

Section 28. Within a period of three years from the day of the Royal Decree designating a Land Reform Area under Section 25 comes into force, no person shall, dispose of for any reasons or create any charge on the land in the land

reform areas unless a written consent is obtained from the Executive Committee or the person entrusted by the Committee.

In the case where the ALRO is conducting the purchase or expropriation of a parcel of land, if any act is in violation of the provision of Paragraph one and it concerns the property or anything which causes damage or obstruction to the agricultural land reform, the Executive Committee or the person entrusted by the Executive Committee shall have the power to issue a written order to the owner or occupant of the land for the removal thereof within the prescribed period of time. If the owner or occupant fails to comply therewith, the Executive Committee or the person entrusted by the Executive Committee shall have the power to proceed with the removal; and the said owner or occupant of the land may not claim any damage therefor and must pay for the expenses incurred.

Section 29. If, within the Land Reform Area, the Executive Committee considered that agricultural land reform should be implemented in any area, the ALRO shall have the power to purchase or expropriate such land as follows :

- (1) if one or several plots of land with the total area greater than fifty ⁽¹⁾Rai belong to one or several persons of the same family who are self-farming landowners, the ALRO shall have power to purchase or expropriate the over and above fifty Rai;
- (2) if the land as stated in (1) has a total area greater than one hundred Rai and the self-farming landowners use it for raising large animals in accordance with the kind, number, and conditions prescribed and published in the Government Gazette, the ALRO shall have the power to purchase or expropriate the over and above one hundred Rai.

If any landowner wishes to cultivate the land himself exceeding the size of the area mentioned in (1) or (2) and can prove that he has been engaged in agriculture on the land exceeding the size of the area specified in (1) or (2) for not less than one year prior to the day on which this Act comes into force and has proved that

⁽¹⁾ 1 hectare = 6.25 Rai
1 acre = 2.5 Rai

he has the ability and the inputs to utilize the land for agricultural purposes and, in addition, will cultivate the land himself, an application together with supporting evidences shall be submitted to the competent officials. After having made an inquiry, the competent officials shall submit his report to the Executive Committee. If the Executive Committee deems it expedient to grant permission, conditions for granting such permission shall be established for submission to the Minister. With the approval of the Minister, permission shall be granted to such applicant to retain his rights on the land but not greater than one thousand *Rai*. In the case where the applicant who has been granted with the rights on the said land fails to comply with the conditions laid down by the Executive Committee, the ALRO shall have the power to purchase or expropriate the excess land for agricultural land reform implementation.

In the case where any landowner has proved that he has cultivated the land himself greater than one thousand *Rai* for not less than one year before the date of the coming into force of this Act and wishes to continue cultivating such land himself, the Executive Committee shall make consideration in accordance with the following criteria:

- a. considerable investment has been made in agriculture on such land and such investment is promoted by the State;
- b. it is an enterprise for development of new agricultural technology or for produce which is still in great domestic demand or for export;
- c. in maintaining such enterprise, it must contribute to agricultural development and assist farmers in production inputs which widely promote agricultural production and agro-industry through agricultural demonstration and it can be a market for farm produce which it buys directly from farmers;
- d. after a lapse of fifteen years, if any farmer institution wishes and is able to be a shareholder of such enterprise, the landowner must allow the farmer institution to hold shares not less than sixty percent of the total number of shares; and this shall be in compliance with the procedures and detail laid down by the Executive Committee;

If the Executive Committee deems it expedient to grant permission, conditions of such permission shall be laid down for submission to the Minister for consideration. With the approval of the Minister, permission shall be granted to such applicant to retain his rights on such land. In the case where the applicant to whom such rights are granted fails to comply with the conditions laid down by the Executive Committee, the ALRO shall have the power to purchase or expropriate the excess land for agricultural land reform implementation.

- (3) If any plot of land is not cultivated by the landowner himself or is not cultivated at all, or is cultivated to only a small extent or in a small part merely for the purpose of maintaining the land rights, the ALRO shall have the power to purchase or expropriate the over and above twenty *Rai* of such land.

If the landowner under (3) wishes to be engaged in agriculture and can prove that he has ability and the inputs to utilize the land for agricultural purposes and, in addition, will cultivate the land himself, an application together with supporting evidences shall be submitted to the competent officials. After having made an inquiry, the competent officials shall report the findings to the Executive Committee or the person entrusted by the Executive Committee for granting such permission to the applicant to retain his rights on the land according to the size specified in (1) or (2), as the case may be, and the Executive Committee shall lay down conditions for the granting of permission. In the case where the recipient of the rights on the said land fails to comply with the conditions, the ALRO shall have the power to purchase or expropriate such land for agricultural land reform implementation.

The provisions of this Section shall not apply to the land belonging to public bodies, State organizations, State enterprises, farmer institutions or land prescribed in the Ministerial Regulation.

⁽¹⁾ In respect of the purchase of land under this Section, if the landowner wishes to sell the whole of his land, the ALRO shall have the power to purchase it.

⁽¹⁾ Inserted by Section 9 of the Agricultural Land Reform Act (No. 3), B.E. 2532 (1989)

⁽¹⁾ **Section 30.** The ALRO shall have the power to allocate all land or immovable property acquired by the ALRO to farmers or farmer institutions in accordance with rules, procedures and conditions prescribed by the Executive Committee and under the following sizes of holding:

- (1) the area of not more than fifty *Rai* ; for the farmer and persons in the same family engaged in other kind of agriculture than raising large animals under (2);
- (2) the area of not more than one hundred *Rai*; for the farmer and persons in the same family engaged in raising large animals as prescribed by the Minister of Agriculture and Cooperatives;
- (3) an area that the Executive Committee deems expedient; for a farmer institution, with regard to the type and functions of such institution.

In implementing under Paragraph one, if land allocation is for farmers and the Executive Committee prohibits the transfer of land rights, such land shall be leased to the farmers. In other cases, land shall be leased or sold on a hire-purchase basis to the farmers upon their request. If land allocation is for a farmer institution, such land shall be leased to the farmer institution.

In respect of land acquired by the ALRO, if the land is State land and was previously occupied by a farmer in excess of the size specified in Paragraph one before the time prescribed by the Executive Committee, and when the said farmer submits application and agrees to pay land rent or compensation for the excess area under Paragraph one at the rate or in additional amount determined by the Executive Committee, the Executive Committee shall lease out or allocate such land free of charge to the farmer, as the case may be, in an area as occupied by the farmers but totalling not more than one hundred *Rai*. In determining land rent or land compensation payment as aforesaid, the duration and procedure by which land is acquired, land capacity, types of agriculture and existing land uses shall be taken into consideration.

⁽¹⁾ As amended by Section 10 of the Agricultural Land Reform Act (No.3), B.E. 2532 (1989)

Upon land allocation to farmers under Paragraph three, if any farmer has occupied the said land before B.E.2510 (1967), only the fee for land transfer and cadastral survey including the expenses for land improvement conducted by the ALRO shall be charged for the area not in excess of fifty *Rai* at the amount determined by the Executive Committee.

In addition to land allocation to the persons under (1), (2) and (3), the ALRO shall have the power to allocate land or immovable property to any person on a leasehold, hire-purchase, purchase or usufruct basis for other activities which support or are related to land reform as prescribed by the Minister of Agriculture and Cooperatives and published in the Government Gazette, of the size as deemed appropriate by the Executive Committee not exceeding fifty *Rai*. The rules, procedures and conditions for granting permission or being complied with by the recipients of the granting shall be prescribed by the Executive Committee with the approval of the Council of Ministers.

The laws on the control of hire and hire-purchase shall not apply to the land allocation on a leasehold or hire-purchase basis under this Section. The rights on leasehold or hire-purchase shall be transferable or inheritable only in accordance with the rules, procedures and conditions laid down by the Executive Committee.

Section 31. If any farmer wishes to have land rights or to lease land for agriculture in excess of the area prescribed under Section 30 (1) or (2) and can prove that he has ability and the inputs to utilize the land for agricultural purposes and he will cultivate such land himself, he shall submit an application with supporting evidence to the competent officials.

After having made an inquiry, the competent officials shall submit the application together with the report on his findings to the Executive Committee.

The Executive Committee has the power to permit the applicant to have land rights or to lease the land as deemed suitable, provided that the area shall be not greater than twice the size prescribed under Section 30 (1) or (2) and under conditions as may be prescribed. In the case where the recipient of the granting fails to comply with the conditions, the Executive Committee has the power to

revoke the permission and to purchase, expropriate or cancel the leasing of the said land wholly or partly, as appropriate, and make further use of such land for agricultural land reform.

⁽¹⁾ **Section 32.** If the ALRO has acquired any plot of land by means of purchase or expropriation or acquired under Section 25 Bis for use in agricultural land reform, the leasehold of such plot of land under a lease contract or under the law on leasing of agricultural land shall terminate.

Section 33. Upon the issuance of a Royal Decree designating the Land Reform Area applicable to any locality, the competent officials shall advise all land owners whose agricultural land is located within the Land Reform Area to declare the number of plots of land, the size of each plot, location and utilization of each plot of land he owns to the competent officials within ninety days in accordance with the forms and procedures prescribed by the Minister, and published in the Government Gazette.

Section 34. The law on expropriation of immovable property shall apply *mutatis mutandis* to the expropriation of land or immovable property under this Act.

With regard to the land expropriated under Paragraph one, the ALRO or the person entrusted by the ALRO shall have the power to occupy the said land at once for the purpose of implementing agricultural land reform.

⁽²⁾ **Section 35.** The payment of land or immovable property purchased under this Act shall be made in cash or in cash together with government bonds according to the rules and procedures prescribed in the Royal Decree.

The payment for compensation of land and immovable property expropriated under this Act shall be made partly in cash and the balance shall be paid in government bonds according to the rules and procedures prescribed in the Royal Decree.

⁽¹⁾ As amended by Section 11 of the Agricultural Land Reform Act (No. 3), B.E. 2532 (1989)

⁽²⁾ As amended by Section 4 of the Agricultural Land Reform Act (No. 2), B.E. 2519 (1976)

The Ministry of Finance, with approval of the Council of Ministers shall have the power to issue government bonds for payment of land or payment of compensation under Paragraph one and Paragraph two and shall have the power to prescribe the interest rate, redemption period, conditions and procedures for issuing government bonds, as published in the Government Gazette.

When the government bonds under Paragraph three are due, the payment in cash shall be drawn from the Agricultural Land Reform Fund.

Section 36. The Executive Committee shall determine the amount of compensation, taking into consideration of past acquisition, soil fertility and location of the land or immovable property, together with the value of the main agricultural produce therefrom, for the purpose of bringing about social equity and for those farmers who are required to pay for the land or immovable property to the ALRO.

The competent officials shall inform in writing the landowners or those entitled to receive compensation, of the amount of compensation. If the landowners or those entitled to receive compensation disagree with such amount of compensation, he shall have the right to appeal in accordance with Section 40.

⁽¹⁾ **Section 36 Bis.** All parcels of land or immovable property acquired by the ALRO under this Act or acquired by other means with the objective to benefit agricultural land reform shall not be classified as the *Ratchaphatsadu* land and the ALRO shall have ownership thereof for the purpose of agricultural land reform.

The competent officials under the Land Code shall have the power to issue title deeds of land belonging to the ALRO under Paragraph one as requested by the ALRO.

Section 37. Period of prescription in respect of possession shall not be set against the ALRO in connection with land or immovable property acquired by the ALRO under this Act.

⁽¹⁾ As amended by Section 13 of the Agricultural Land Reform Act (No. 3), B.E. 2532 (1989)

Section 38. If the ALRO undertakes any activity in which a law requires, registration of immovable property or real right in relation to the immovable property in the agricultural land reform, the ALRO shall be exempted from payment of fees for such registration.

Section 39. The land whereof the right is acquired by a person through agricultural land reform shall not be divided or the rights on such land shall not be transferred to other persons except by devolution to his statutory heirs or transfer to a farmer institution or to the ALRO for the purpose of agricultural land reform; provided that it shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

CHAPTER 4

APPEAL

Section 40. Any owner of land or immovable property or any person entitled to receive compensation wishing to appeal shall file an appeal to the Appeal Committee within thirty days from the date of receiving the notice under Section 36.

Section 41. There shall be an Appeal Committee consisting of the Permanent Secretary for Justice as Chairperson with one expert in law, one expert in soil, one expert in agricultural economics and one expert in plants to serve as members. The chairperson shall appoint one member or any person as the secretary of the Committee.

The Council of Ministers shall appoint the experts to be the members of the Appeal Committee and such members shall not be the members of the Executive Committee or of the Provincial Land Reform Committee or of the subcommittee thereof.

Section 42. The Appeal Committee shall have the power and duty to consider and decide the appeal filed to the Appeal Committee. The Appeal Committee shall complete the decision on the appeal within ninety days from the date of receiving it.

If the appellant is not satisfied with the decision on the appeal, he shall bring action to the Administrative Court within the period of one month. In the case where the Administrative Court has not been established under the provisions of the Constitution, this provision shall not be applied.

Section 43. The Appeal Committee shall have the power to appoint one or several subcommittees to act within the power of the Appeal Committee or to assist in carrying out any activity as entrusted, except in giving the decision on the appeal. Section 17 and Section 18 shall apply *mutatis mutandis* thereto.

Section 44. Members of the Appeal Committee appointed by the Council of Ministers shall hold office for a term of two years. Any member who vacates office at the end of term may be reappointed.

In the case where an appointment to the Appeal Committee is to fill a vacancy for a member whose term of office has not expired, the person so appointed shall hold office for the remaining term of that member.

Sectopn 45. The provisions of Section 16, Section 17 and Section 18 shall apply *mutatis mutandis* to the Appeal Committee.

Section 46. The rules and procedures in filing appeals and the procedures of the decision on appeals shall be prescribed in a Ministerial Regulation.

CHAPTER 5

PENALTIES

Section 47. Any person who obstructs or fails to render facilities to the competent officials under Section 23 or Section 27 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht or to both.

Section 48. Any person who violates or fails to comply with a notification of the Minister issued under Section 33 shall be liable to a fine not exceeding one thousand Baht.

Countersigned by :

Sanya Dharmasakti
Prime Minister

ADDED PROVISIONS

The Agricultural Land Reform Act, B.E.2518 (1975) was added by the following Sections provided in the Agricultural Land Reform Act (No.3) B.E.2532 (1989) which was published in the Government Gazette Vol.106 Part 149 dated 8th September, B.E. 2532 (1989):

Section 14. With respect to the *Ratchaphatsadu land* acquired by the Ministry of Finance through the purchase made by the ALRO or through a donation to the ALRO for agricultural land reform implementation and has been in hand on the date of the coming into force of the Act, the Ministry of Finance shall transfer the ownership of such land to the ALRO for the purpose of agricultural land reform under this Act. The provisions of Section 8 and Section 9 of the *Ratchaphatsadu Land Act*, B.E. 2518 (1975) shall not apply to the said transfer of the *Ratchaphatsadu land*, and the transfer shall be under the Land Code.

All juristic acts relating to the land under Paragraph one shall remain effective.

Section 15. The Minister of Finance, the Minister of Agriculture and Co-operatives and the Minister of Interior shall be in charge and control of the execution of this Act.

REMARKS

Promulgation of this Act is made under the following reasons :

“Thailand is an agricultural country and the majority of the population is engaged in farming; therefore, land is essential and forms the primary basis of agricultural production. However, it appears at present that farmers are facing critical problems due to the loss of land ownership rights and increase in tenancy. They have to pay land rent with exorbitant rate. Soil degradation has resulted in low agricultural yield. The farmers are continually underprivileged and disadvantaged in the land tenancy and marketing system. This causes socioeconomic and political unrest at the national level. Consequently, it is very vital for the State to solve these problems urgently by means of land reform so as to allocate land to the farmers and maximize the uses of land, together with improvements in the agricultural production and marketing systems in pursuit of equity to the farmers. In response to the policy of the State to reduce the socioeconomic gap among the people, as stipulated in the Constitution, it is essential that this Act be enacted.

Translated from	Land Reform Bulletin No. 214 “Agricultural Land Reform Act B.E. 2518 amended by (No. 2) B.E. 2519 and (No. 3) B.E. 2532.” (in Thai)
Translator	Panita Satutum

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