

Order of the Head of the National Council for Peace and Order**No. 36/2559****Corrective Measures for Illegal Possession of Land in Agricultural Land Reform Area**

Referring to Cabinet's conclusion since B.E. 2556 (2012), there has been a requirement to transfer and allocate degraded land in the National Reserve Forest Area to farmers according to Agricultural Land Reform Act. Until now, there is the fact that plenty of land have not yet been of cadastral survey because illegal possessors of land in the agricultural land reform area have been unwilling or have had disagreements to enter into the land reform process. In some cases, even final verdicts were reached; no action has been taken to return land to the Agricultural Land Reform Office (ALRO). Moreover, there are some people, who have no legal right to occupy land, claim to have land possessive rights by trading the land with farmers in the land reform area or exchanging it to merge into larger parcels. Monocropping, which has a severely and longstanding effect to the ecosystem, has been done in the parcel. In some cases, surrounding area of land reform area appeared to be reserved area. If the area is inappropriately used, a land encroachment problem might be occurred, affecting natural resources and causing damage to economics, social and environment.

By virtue of Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Head of the National Council for Peace and Order, with the approval of the National Council for Peace and Order, issued orders as follows:

Clause 1 Target area in the land reform area composes of

- (1) 500 rai of land or more, where the reforming process has not yet been initiated
- (2) 100 rai of land or more, where the provincial land reform committee agrees that farmers, who received the reforming land, exhausted their utilization rights, including land possessed by persons who are not receivers of the reforming land

(3) 500 rai of land or more, where the court has a final verdict to deliver to ALRO.

Determination of the target area according to (1) and (2) is in line with the notification of ALRO.

Clause 2 As ALRO declares the determination of the targeting area according to Clause 1 (1), the Provincial Land Reform Office has to put up a notice over the open area no less than 7 days at District Office, Office of the Sub-district Headman, Office of Village Headman, and Local Administration Organization of the province where the area was located. A district chief, a sub-district headman, a village headman, and a head of the Local Administration Organization of that area shall have a responsibility to preserve the existence of the notice.

Clause 3 The owner of the target area according to 1 (1) shall file a motion to confirm his/her rights in land according to the Land Code and other laws to the Provincial Land Reform Office within 15 days from the date the notice has been put up according to Clause 2 (2). The Provincial Land Reform Office then verifies the evidence to ascertain the owner's rights in the target area within 30 days from the receiving date according to regulations, methods, and conditions stipulated by the Minister of Agriculture and Cooperatives.

To file a motion as Clause 3, one of the following evidences must be sent.

(1) Title Deeds, Pre-emption Title Deed, or Pre-emption Certificate stamped "ALREADY PUT TO USE"

(2) Certificate of Utilization (Nor Sor 3, Nor Sor 3 Gor, Nor Sor 3 Kor, or Form No.3)

(3) Evidence of Possession (Sor Khor 1)

(4) Certificate of Desire in Land Right (Sor khor 2)

(5) Pre-emption Certificate

(6) Pre-emptive Permit Certificate

(7) Certificate of Utilization according to Allotment of Land for Living Law (Nor Khor 3, Gor Sor Nor 3, or Gor Sor Nor 5)

(8) Other legitimate right certificates issued by government agency.

Clause 4 In the target area according to Clause 1 (1), if one of the evidences has not yet been submitted within the time limit according to Clause 3, or if the Provincial Land Reform Office disapproves of the evidence according to Clause 3, or if there is no existence of the target area's owner, officers who were appointed by the Secretary General of Agricultural Land Reform Office shall have authorities as follows:

(1) Give an order to the land owner to move out of the target area within the time limit and refrain from any activities in the area

(2) Give an order to the land owner to demolish, destroy, or take any other action for the buildings and other structures in the target area within 30 days after receiving the order

(3) Do a cadastral survey for the target area or inspect the possession and utilization of land in any buildings or structures within the area

(4) Give an order to summon individuals to report to the officers, or to give information, or to give documents or evidences with the possession and utilization of land in the target area

(5) Confiscate, demolish, destroy, or take any other action for the buildings impeding the agricultural land reform, in case the land owner does not comply with the order of (2) or there is no existence of the target area's owner.

Clause 5 In the target area according to Clause 1 (2), officers appointed by the Secretary General of ALRO shall have authorities to enforce the order of Clause 4 when the Provincial Land Reform Committee resolves to evict the land utilization in the target area.

Clause 6 In the target area according to Clause 1 (3), officers appointed by the Secretary General of ALRO shall bring executing officers to enforce the Civil Procedure Code and let the officers have authorities to execute the order of Clause 4.

Clause 7 Area Army, Internal Security Operations Command, Border Protection Command, or Provincial Police Region shall assign their officers to join in the operation of Clause 4, 5, and 6 according to the request of ALRO, and also let the officers have the authorities to execute the order of Clause 4.

Clause 8 Any structures in the target area with no hindrances to the agricultural land reform shall belong to ALRO for further utilization in the agricultural land reform.

Clause 9 After being in possession of the target area, ALRO shall accelerate land allocation process for farmers who have the following qualifications.

(1) Farmers according to a policy on land allocation for community

(2) Farmers who have prior possession of the land and are selected according to the regulations of the Agricultural Land Reform Committee comprising of rules, methods, and conditions for farmer selection and have the right to receive the land from the agricultural land reform B.E. 2535, including the individuals in the same family or descendants of the previous owner who join together to utilize the target area

Land allocation for farmers according to (2) must not be a hindrance to the land allocation for community according to the government policy.

Clause 10 Illegal landowners shall compensate or pay for any action occurred according to Clause 4 (5).

Clause 11 Officers, who comply with this order and act with honesty, without discrimination and within the given authority, shall be protected and unaccountable for a civil offence, a criminal offence, and a disciplinary offence. However, plaintiffs' right to request for indemnification from the government in accordance with Liability for Wrongful Act of Officials shall not be disqualified.

Clause 12 In compliance with this order, the appointed officers shall become officials according to Civil Law and governing officials or polices according to Criminal Procedure Code.

Clause 13 This order shall come into effect from the date of publication in the Government Gazette.

Given on the 5th July B.E. 2559 (2016)

General Prayut Chan-o-cha

National Council for Peace and Order