



**TRANSITION FROM COUNCIL OF STATE
TO THE ADMINISTRATIVE COURT**





H.M. KING CHULALONGKORN THE GREAT
(Rama V)

H.M. KING CHULALONGKORN'S PROCLAMATION ON COUNCIL OF STATE

Those of you who have heard that a Council of State is being established will have doubts and be wondering about the reason for its establishment because you are unaware of what it actually is. The "Council" has been established for two purposes.

The first purpose is to create a power or authority which can block or restrain the Monarch from any action which is not fair or reasonable and which would cause hardship to the people such as continually requesting funds from subjects throughout the kingdom. From small matters through to such things as Royal Decrees on Customs Tariffs, the Council can oppose the Monarch.

In addition, [the second purpose] the Council can exert pressure on people other than the Monarch, no matter how much power or authority they have, from doing something that is wrong, crooked or deceitful; even in small matters. Whether the other party is government officials or not, the Council must have the authority to oppose them, to advise and control them according to what is seen as correct and just and not let them deceive or take advantage of the Monarch. Whatever the issue, whether it is already occurring or whether it is believed it will occur in the future, the Council must have the authority to investigate it. If it is seen to be incorrect, not beneficial to the nation, not beneficial to the Monarchy, or not beneficial to the people at large; it must be opposed with the full power and authority of the Council.

The Council can exercise authority in these two ways which means that those who become councilors are empowered to block the Monarch, government officials and citizens in the way I have explained. Councilors will not be just ordinary people. They must follow the law of the Council and make an oath that they

will be upright in preserving justice in order to be accepted as an advisor. These councilors must receive a salary that is appropriate for such an important position.

Those of you who wish to know about the Council in more detail should await the proclamation of the Royal Decree on the Council which will be forthcoming.

With the establishment of this Council, you will be wondering why, at a time when there is peace and prosperity, a body is established to oppose our authority. Do you not see how this might be beneficial? Do you think the Council of State has been established to threaten others? If this is the case, We ask that you understand that the construction of buildings and the laying of roads in our country at this time is only the progress that is apparent to us, that all of us can see and observe. But actually, these are still activities and traditions which cause great inconvenience and trouble to the people in many ways. It is necessary that other things be done along with the progress that we can see. The Council is being established with the intention of supporting and assisting these activities so that they succeed in the right way until the nation is modernized. When this is achieved, the people will be happy and the country's good reputation will be firm. In addition, we will have no need to fear dangers, whether external or domestic.

When the people, who are the lifeblood of the nation, make progress, are happy and are able to make an honest livelihood, there is no doubt that our nation will develop. When the nation develops, the benefits will be complete and it is these benefits that I desire for all.

We ask that all of you understand and follow what We have explained and remember it well.

Translated by Mr. David Rogers



ศาลปกครองจังหวัด



The present Administrative Court of Thailand was inaugurated on 9th March, 2001. The Court was modeled on Administrative Courts in Western countries which have existed for a long time and have developed principles of administrative law throughout their period of operation. Although only recently inaugurated, the Administrative Court of Thailand has continually developed key legal concepts, has closely studied the procedures used in Thai administrative law and has made significant progress in developing administrative law up to an internationally-accepted standard. The Administrative Court of Thailand has successfully protected people's rights and liberties and as a result, public trust in the system of administrative justice has strengthened considerably.

This book is an English translation of a Thai publication, “จาก...คาน้ำชั่งออฟฟิศตด คือ ที่ปกครองราชการแผ่นดิน สู่... ศาลปกครอง”, published to commemorate the ninth anniversary of the operation of the Administrative Court. The book relates the history and background of the body

established to consider administrative cases. It traces the development of Thai law, the adoption of Western legal concepts into the Thai legal system and the gradual evolution of what has become the Administrative Court of Thailand. This historical description illustrates the efforts made to establish the Administrative Court of Thailand over a long period and how related legal concepts and philosophy have developed throughout the various social and political situations that the nation has faced. The content of this English edition has been updated to include important activities and events that have occurred since the time of the publication of the original Thai edition. I hope that “*Transition From Council of State to the Administrative Court*” will be valued by people interested in studying the history and background of Thai administrative justice and the Administrative Court of Thailand. Further, I hope that this English edition will contribute to enhanced knowledge and understanding of the Administrative Court among both Thais and people from other nations.



Hon. Mr. Piya Patangta
President of the Supreme Administrative Court
(2016 - Present)

The Administrative Court of Thailand has been operating now for nine years. However, if we count from the time a body was first established to consider administrative cases and which over time evolved into the Administrative Court, it is not just nine years – it has evolved over a long period, changing along with the political and legal systems of our nation. A body has existed at least from the time His Majesty King Chulalongkorn established the *Council of State* on 14th June, 1876 to act as advisor in national administration, in the drafting of laws and in considering issues that caused distress and burden to the people. This Council of State was modeled on the institutions of *Conseil d'Etat* or *Council of State* in Western countries at that time and was adopted by His Majesty for administration of national affairs in Thailand during his reign. Although that first council performed its duties for only a short time, having a council of advisors was adopted by His Majesty as the model for subsequent reforms and improvements in national administration during his reign.

After the change in national administration in 1932 (Siamese Revolution), it became a policy of the government to establish institutions modeled on the *Conseil d'Etat* with authority to both advise on legal issues and to adjudicate on administrative cases. This system continued until 9th March, 2001 when the Supreme Administrative Court and the Central Administrative Court commenced operation for the first time.

Since that time, Administrative Courts of First Instance have been established in all regions of the country in order to make the system of administrative justice accessible to all.



The Administrative Court has been guiding and directing the system of administrative justice during the past nine years, including throughout the current period of social unrest. It has rendered important verdicts and decisions on many occasions which have since become benchmarks for solving critical social problems and for protecting the rights and liberties of the people. It has also promoted the development of an efficient and effective management system for the civil service. At the international level, the Administrative Court has encouraged the exchange of knowledge in order to promote the rule of administrative law and develop the most efficient adjudication procedure for Thai administrative cases. The Administrative Court has strived to develop itself in a way which is appropriate to its status as the

principal organ of administrative law in Thailand and to establish good practices which are both efficient and in line with international standards.

I am pleased that the Committee for Production of Historical and Technical Publications has produced “จาก...คณะชูลออฟลาตต์ คือ ที่ปกครองราชการแผ่นดิน สู่... ศาลปกครอง” (*Transition From Council of State to the Administrative Court*) as a souvenir to commemorate the ninth anniversary of the operation of the Administrative Court. This publication will contribute to the dissemination of knowledge and understanding of the history and background of the Administrative Court and will be of benefit to students of administrative law and interested members of the public.

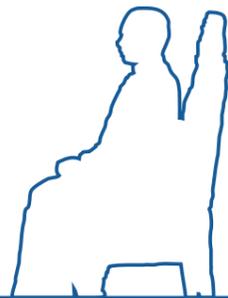
Hon. Dr. Ackaratorn Chularat
President of the Supreme Administrative Court
(2000-2010)



Table of Contents

Foreword

- 22 • Origins of Siamese Law and Judiciary
- 24 • The Sukhothai Period
- 28 • The Ayutthaya Period
- 34 • The Rattanakosin Period
- 44 • Codification of Laws in the Rattanakosin Period
- 46 • The Court System in Ancient Times
- 54 • From the System of Petition to Sanrapsang



The 1st Era in the Establishment of an Administrative Adjudication Body

- 67 • Politics and Administration from Early Rattanakosin Period to the First Coronation of H.M. King Chulalongkorn
- 73 • Politics and Administration after the Second Coronation of H.M. King Chulalongkorn
- 76 • Influence of Systems of Public Administration in Foreign Countries on Changes in the Siamese Administration System
- 81 • Royal Proclamation on Council of State
- 86 • Meeting Venue for the Council of State
- 90 • Cases Adjudicated by the Council of State
- 92 • Problems in Establishing the Council of State
- 94 • Establishment of the Three Councils: Council of Ministers, Privy Council, and Legislative Council
- 102 • Administrative Case Procedure
- 105 • Reform of the Siamese Legal System



The 2nd Era in the Establishment of an Administrative Adjudication Body



The 3rd Era in the Establishment of an Administrative Adjudication Body

- 115 • Establishment of Thai Administrative Jurisdiction through Political Vicissitude
- 116 • Laying the Foundation of Administrative Law in Thailand
- 118 • Administrative Adjudication Body in form of a Council
- 120 • Establishment of the Council of State
- 132 • Establishment of the Petition Council
- 135 • Powers, Duties and Organization of the Petition Council
- 138 • Interesting Cases of the Petition Council
- 139 • Efforts and Obstacles in Adjudicating Administrative Cases by Committees
- 141 • Selecting a Court System for the Administrative Court of Thailand
- 144 • Guidelines for Developing the Petition Council to Become the Administrative Court
- 155 • The Emblem of the Administrative Court
- 157 • Phra Buddha Maha Karuna Prachanat



The 4th Era in the Establishment of an Administrative Adjudication Body

- 172 • Preparations to Establish the Administrative Court Prescribed by the Constitution of the Kingdom of Thailand, B.E. 2540 (1997)
- 174 • Structure of the Administrative Court
- 178 • Establishment of Case Divisions of the Administrative Court
- 194 • Interesting Cases Adjudicated by the Administrative Court

- 210 • International Role of the Thai Administrative Court



“ The Administrative Court as we know it today, has developed in stages in response to the philosophical thought and political-administrative system of each period until it was formally established by the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) and commenced providing services to the public on 9th March, 2001. ”

Hon. Dr. Ackaratorn Chularat
President of the Supreme Administrative Court
(2000-2010)





**Legal Provision for
the Council of State**
(handwritten copy of original text)



Foreword

The Thai Administrative Court has been providing administrative justice to Thai society since 2001. Before becoming the Administrative Court as it is today, the adjudication of administrative cases developed in stages according to the philosophical thought and political-administrative system of each period. The present Administrative Court was established by the Constitution of the Kingdom of Thailand in B.E. 2540 (1997) as the judicial organization responsible for adjudicating administrative cases. It commenced operation on 9th March, 2001. The administrative case examination procedures of the Administrative Court are based on that of the *Conseil d'Etat of France*. The creation of administrative courts in each country is closely related to the evolution of law and politics in each respective country. Whether in France, which has evolved an administrative court from the internal political system of France itself; or whether in Germany, the Netherlands, Italy, Sweden, Finland or Belgium; the development of administrative courts in various countries are closely related to the evolution of politics and the legal system of each

individual country. During some period, the development of administrative courts was connected to the withdrawal of Western countries from former colonies before evolving into administrative courts of the present day.

A study of the background of the Thai Administrative Court focuses on the evolution of law and adjudication bodies, especially during the reigns of H.M. King Mongkut (Rama IV) and H.M. King Chulalongkorn (Rama V). During the time of these two monarchs, Thailand had to avert invasion by foreign countries by implementing many significant political and administrative reforms as well as make changes in the country's legal and judicial systems. One of these changes was the establishment of the Council of State in 1874 which was modeled on similar institutions in Western countries. In order to maintain a balance of power among Western powers in the region and safeguard Thailand's independence, H.M. King Chulalongkorn instructed the government to employ foreign lawyers as Thai civil servants and to have them assist in making the necessary corrections and improvements to laws and procedures.

These improvements contributed to Thailand ultimately being able to pass safely through the crisis.

After major changes were made to the Thai administrative system in 1932 (change from absolute monarchy to constitutional monarchy), concepts of politics, administration and foreign law were widely studied. In the drafting of Thai laws at that time, the system of civil law from Western nations was adopted and the Thai government gradually developed a Western-style administrative court. Initially, administrative cases were adjudicated by the Legislative Drafting Department. The name was later changed to be the Council of State which in 2001 became the Administrative Court.

From the time the first Council of State was given authority over administrative cases, it took 127 years for the Administrative Court of Thailand to fully emerge. Its development was influenced by periods of political change, the merging of ideas and the development of legal and judicial principles. Since its inauguration in 2001, the Administrative Court has promoted justice, protected the people's rights and made public administration more prudent and effective.



H.M. King Chulalongkorn The Great (Rama V)
prior to his 2nd coronation ceremony



Origins of Siamese Law and Judiciary

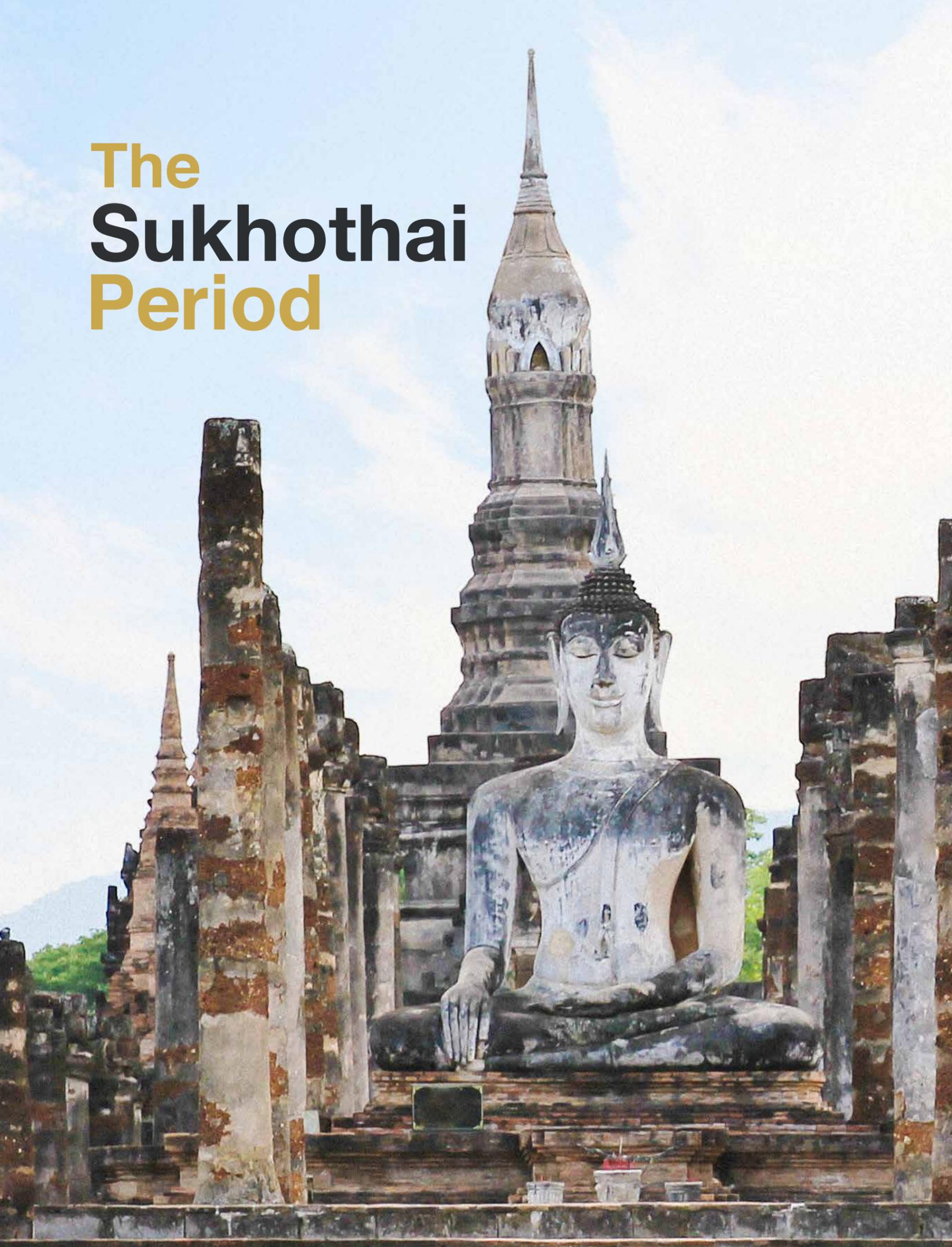
Laws and judicial proceedings in each country are related to that country's politics and state administration. In Siam, the current judiciary and court systems developed from an ancient Indian system of administration known as "Sombooranayasitthirat" (Absolute Monarchy). According to this system, state affairs are the duty of the monarch.¹ As monarch and sovereign, the monarch is responsible for, and has authority over, state administration and the provision of justice. In the philosophy of the Brahmans in Hinduism, these powers of the monarch are stated in the Vedas which teach that human beings have a duty to practice righteousness. Law merely develops from principles which dictate to one how to behave according to one's caste. Robert Lingat explains that 'righteous', which translates as 'dhamma' in the Siamese language, is derived from the Sanskrit language form 'dhr' (da-ra) and can mean "maintenance or existence, or stability and persistence".² The word "krit" in the Siamese language also holds these connotations which means stability.

According to Mānava-Dharmaśāstra texte (Laws of Manu), a widely accepted authority on Siamese traditions, the belief in "devaraja" holds that royalty and devas (heavenly beings) have supernatural power and the monarch has the nature of being a deva.³ However, to claim that Siamese monarchs are devas in the way of that belief would not be completely correct. In practice, ancient Indian texts on law have been used in Siam as a basis for some traditions but Siamese society is more closely associated with Buddhism so it is not a commonly held belief that Siamese monarchs are divine in nature or that people are different according to caste. According to one Buddhist text - the Akkhanya Sutta - humans originate from Brahma who descended from heaven to the earth, consumed soil and awakened his greed and desires. This led to the procreation of offspring and to the deterioration of moral behavior and virtue and to the need for choosing a "great person" to lead humankind to peace and happiness. This person is referred to as "mahasammatirach".⁴

The role of the monarch according to Siamese jurisprudence is one of "Dhammaraja" which means "one who is raised to a position of leadership because of his virtue". In Buddhist texts the word "mahasammatai"⁵ is used but its meaning is completely different from the usage of the word according to Hindu beliefs. Mahasammatai does not refer to a monarch who derives royal status from bloodline or sacred caste which is linked to a supreme or heavenly being but to a monarch that is accepted by his subjects who will live under the monarch's guardianship and according to an oath made by the monarch. The monarch in this sense has the duty, as well as the absolute power, to govern the land and protect the rights, lives and property of his subjects with righteousness.



The Sukhothai Period

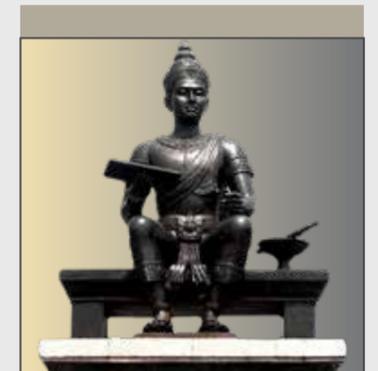


In the fourteenth century, Southeast Asian societies had not yet developed into the nation states that we see today. Groups and societies each created their own social network systems by allocating a ruler and the ruled. They each created rules to regulate behavior in their own societies. There were rulers of many large towns and the ruler and the ruled within each town were close knit and lived together as friends and kinsmen.⁶ This type of social grouping became widespread throughout the region and is generally referred to as “city states”.⁷ The social structure of Sukhothai was a traditional society closely connected to religion and religious customs. The monarch had close ties with his subjects so the administration of this period is referred to as ‘paternalism’. This can be seen from the way that the monarch himself heard and decided on cases brought to him by his subjects regardless of how minor or serious the case was. Stone inscription No. 1 of the time explains that:

*‘In front of the door hangs a bell.
A humble serf from the town voices
words of pain and sorrow, worried that
his case will remain unresolved.
He goes to ring the bell which the
King has hung. King Ramkhamhaeng
hears the call and asks him caringly
of his plight. The serfs of Sukhothai
thus praise their King.’*

This stone inscription reveals that the subjects were treated with justice. They were able to voice their concerns to the monarch and receive advice directly from him. This judicial procedure is the origin of the Siamese tradition of petitioning to the king which involves the monarch hearing a plaintiff’s case directly and giving his own verdict.

As mentioned before, religion was very influential in the procedures of government and administration during the Sukhothai period. Religious procedures supported the system of politics and administration to ensure their stability. Many religious principles appeared in a respected literary work of the Sukhothai period called the “Trai Bhumi Phra Ruang”. Following are some example references to the authority of the monarch in regard to justice.



King Ramkhamhaeng
the Great Creator of the Thai
alphabet in the Sukhothai period



**The stone inscription No. 1
with Thai letters**
(Sukhothai period)



1) Rulers must love and care for every subject and treat all equally. In addition, they must refrain from evil actions toward all beings.

“Love all your children equally, whether princes or peasants. Do not choose whom you will love or hate but love all equally...”

2) Rulers must be fair in adjudicating cases and deliver justice as quickly as possible.

“Of all creatures, it is most difficult to be born human. May men of kingship acknowledge the importance of good deeds and of virtue. May they fear doing evil and feel shame at having done evil. All affairs must be carried out according to righteousness. Do not let the days and nights pass by.”

3) Rulers must listen to the advice of wise men and practice according to what they say is right and just.

“And what wise men teach is right and just should be remembered and followed. What they say is wrong should be strictly avoided.”

4) Rulers must observe the Five Precepts and refrain from the five evil actions and not be remiss in their observance.

“We will now speak to the kings of the Five Precepts of moral conduct which must be strictly followed. You should not kill any sentient creature which has consciousness; that knows and feels; even ants or termites. We shouldn’t kill people, even those that have harmed us in some way but should teach them about what is good and correct instead. Further, we should not take from the owner something that has not been given to us by them nor order another person to take from the owner. Further, we should not commit adultery nor involve ourselves in even the smallest affair with the wife of another. Further, wrong speech is saying that which is not true and should not be done by royal persons. Further, intoxicants should not be consumed by royal persons.”

5) Rulers must be kind and refrain from exploiting the possessions or labor of their subjects.

“The serfs of the kingdom farm the land in this kingdom and the crops they harvest nourish the whole population. The rice crop is divided into ten portions, one of which is devoted entirely to the royalty. The remaining nine portions should be given for all to consume. There should be no lack of food for the population. If their labor is needed, use it only according to what is necessary and do not overburden them. The elderly should not be required to work. Let them do as they wish.”⁸

These codes do not specify any punishments for non-compliance but even if punishments are implied they are more for the sake of making people feel ashamed about their behavior and for making them more conscientious. The “Trai Bhumi Phra Ruang” is revered as a great literary composition that embodies the laws of governance for the Sukhothai people.⁹



The Ayutthaya Period



The Ayutthaya Kingdom established a system of governance in 1350 during the reign of King Ramathibodi I (King Uthong). Administration was not in the form of paternalism over a small district like that of Sukhothai; both the population and territory of the kingdom were larger so its governance differed. The Kingdom was divided into inner and outer provinces and provincial governors reported directly to the capital.

Professor Robert Lingat proposed that the founder of Ayutthaya was possibly of Khmer (Cambodian) origins and so applied Khmer administrative customs in the governing of the Siamese.¹⁰ In addition, King Boromaracha II of Ayutthaya later seized territory stretching to the Nakhon Thom Kingdom in the east whose inhabitants were predominantly Hindu. Consequently, Ayutthaya became home to numerous Brahmins and Khmer nobility who introduced Hindu ideology and traditions into the governance of the Kingdom of Siam, including the belief in the divinity of the monarch.

However, to say that the king administered his power by following the Hindu code of conduct would not be entirely accurate. The king of Ayutthaya did not worship the Hindu gods like the Khmer kings. After the death of King Boromaracha II in 1448, his son, King Trailokanat, ascended the throne at only seventeen years of age. As he was still young, he was advised by Brahmin Purohit from Cambodia who was renowned for military successes during the reign of King Boromaracha II. Brahmin Purohit believed in the divinity of the monarch but

King Trailokanat was a strict Buddhist. As a result, the overlapping beliefs and rituals of the two religions in Ayutthaya during King Trailokanat's reign marked the beginning of absolute monarchy in the Kingdom of Siam. This absolute authority was, however, considered subordinate to the *Ten Royal Virtues of a King* as practiced in Buddhism.



Chevalier de Chaumont, the French plenipotentiary who delivered a letter from King Louis XIV to King Narai The Great in 1685.

Source: Professor Khunying Manmas Chavalit. *The revolution at the end of the reign of King Narai The Great and the fall of Ayutthaya*, Fine Arts Department, 2005.



Siamese Ambassador, Ork Phra Visut Soonthorn (Kosa Pan) paid a courtesy visit to King Louis XIV at the Palace of Versailles on 1st September, 1686.

Source: http://en.wikipedia.org/wiki/King_Narai



Map of the Kingdom of Siam and its neighbouring countries
R. Placide Augustin Dechaussé (Paris 1649 - ibidem 1734), *augustin déchaussé, géographe ordinaire de Sa Majesté*

Source: https://commons.wikimedia.org/wiki/File:Carte_du_royaume_de_Siam_et_des_pays_circonvoisins_1686.jpg

The Sakdina System

(The Feudal System)

As the territory governed by Ayutthaya was much larger than that of Sukhothai, administration became much more complex and involved incorporating Khmer customs into the social structure.

The best known of these was the “sakdina system” which was very influential in shaping the ancient judicial system of Siam.

The social structure known as the “sakdina” involved arranging people into hierarchical social classes based on how much land they possessed. The amount of land was linked to the number of people they had to work the land. The word ‘sak’ refers to the allocation of a number to each person aged from seventeen to sixty who was capable of labor. This number was tattooed on the upper forearm of each of these people and they were known as ‘royal serfs’ as they worked for the monarch for six months per year. The monarch; however, was empowered to send some of these serfs to work under the authority of a feudal lord who was in command of a bureau. These serfs were called ‘prai-som’. Those who could afford to do so could pay a ransom to the feudal lord instead of having to work. Another category of serf was called ‘tribute serfs’. These serfs were sent to tin mines and were required to pay a specified amount of tin to their Lord Commander as “tribute”.¹¹

The commander of a bureau owned the land linked to that bureau and the area of land held represented ‘sakdina’. The area of land was proportional to their level of authority as decreed by the Civil and Military Property Attorney of 1454. The possession of land in the sakdina tradition was not the same as the Western system of feudalism whereby the landowner had absolute control over his land. According to Siamese property law, the land was not only subject to the landowner’s authority, but could



also be appropriated by the monarch. This belief that the sovereign had the right to possess all the land was not challenged until centuries later. Land ownership in the sakdina system is still debated by historians as it is unclear whether in the classification process of ‘sakdina’ each feudal lord was really given a unit of land. This could have been merely a symbolic act used to determine ranks in the hierarchy and indicate how important they were in society. Because the sakdina system played such an important role in determining one’s place in society, it is not surprising that it also shaped the law of the time.

The sakdina system was practiced continuously throughout the Ayutthaya period and in the early Rattanakosin period so records exist of the various laws under the sakdina system. For example, a person had the right to sue his feudal lord in the case of wrong doing. This right appeared in the legal compendium known as the “Three Seals Law” under Royal Enactment section 15:

“.... When the people are burdened or oppressed by any matter, they will pass a petition to the “governor” to present to the jury... and the jury will take that petition and confer with the Chief Minister of Civil Affairs; or if the issue involved the military, with the

Minister of Defense; to gain their consent to present the petition to His Majesty”¹²

This demonstrates that some controls were applied to ensure that the actions of state officials were in accordance with the law. It also demonstrates that citizens had the right to appeal to judges against any unlawful act. The logic behind this legal process can be traced back to ancient Siamese law which required a strict and thorough examination of actions carried out within each bureau of the sakdina system. The process involved determining the social standing of the accused, followed by scrutiny and judgment of the case.

Bureaus and social ranks evidently make Siamese law unique in terms of citizen’s rights and enforcement of laws. Conviction and appeal were determined according to the social class of the accused and the aggrieved. Sakdina was one of the main foundations of the Siamese administrative system until the start of the Rattanakosin period.

The Rattanakosin Period



After the fall of Ayutthaya in 1767, the capital was relocated to Thonburi for a period of time. During this time, no major changes in administration occurred, probably because the country was still battling the enemy in order to regain control of lost territory. In 1782, the Siamese capital was moved to Rattanakosin, on the Western bank of the Chao Phraya River, and King Rama I set up most aspects

of the administrative structure in the same way as they had been in Ayutthaya. Palaces and temples were constructed and royal monasteries adopted the religious principles and beliefs of the Ayutthaya Kingdom. Various locations in Rattanakosin were also named after locations in Ayutthaya. King Rama I organized the social structure and governance following the Ayutthaya model and appointed feudal lords from

the Ayutthaya Kingdom into important positions in the new government. As the king was a faithful practitioner of Buddhism, he rejected popular Hindu beliefs and believed that the constant reverence of numerous gods was excessive. He commanded the destruction of lingams (stone phallic symbols), which were widely worshipped by those following Hindu traditions. He believed their acts belonged in the realm of superstition and magic. At the same time, he ordered a rehearsal of the "Tripitaka", Pali Canon, and frequently consulted with the Supreme Patriarch of the Buddhist Clergy regarding doubts and queries he had about the Pali Canon. These events led to a decline in the belief in "Devaraja" and an increased role of Buddhist principles. This can be seen in the influence of the "*Thammasat*", a highly-revered ancient Indian treatise on jurisprudence, which is referred to the laws that were promulgated during the Ayutthaya period and through to the Rattanakosin period.

These laws were modeled on the legal texts of the Mon and the Mon texts were influenced by the *Thammasat*, which they accepted as a sacred doctrine, but were adapted to suit the customs and culture of each region. So it can be said that the *Thammasat* had a very significant influence on ancient Siamese law. For example, the *Thammasat* does not hold that the king has the authority to create laws but that the laws are drawn from religious principles used to resolve social disputes. The monarch is permitted to promulgate laws that may not follow the religious principles in the *Thammasat*, but only to a limited extent. Any royal command that was not in accordance with the *Thammasat* could not be authorized as law, but could only be used as a regulation during the reign of the monarch who promulgated it. It ceased to be valid at the end of that monarch's reign. On the other hand, royal laws which accord with the principles of the *Thammasat* had to be obeyed by succeeding monarchs.¹³

Aside from being required to promulgate royal laws that comply with the *Thammasat*, monarchs were also assigned the role of adjudicating cases so as to provide justice for their subjects. According to the *Thammasat*, "Dhamma Raja" means "a person so admired for their righteousness and virtue that they are appointed as leader". In the Akkhanya Sutta, the words "mahachon sammati" and "khasatriya" (monarch) are used to refer to the person who is the leader. Sometimes the word "raja" (king) is used which has the deeper and more subtle meaning of a monarch who brings happiness and joy to the people because of his virtue.¹⁴



H.M. King Buddha Yodfa Chulalok The Great
(Rama I)



View of the nineteenth century Bangkok
Source: [https://en.wikipedia.org/wiki/Rattanakosin_Kingdom_\(1782-1932\)](https://en.wikipedia.org/wiki/Rattanakosin_Kingdom_(1782-1932))





The evolution of the Administrative Court





Codification of Laws in the Rattanakosin Period

H.M. King Buddha Yodfa Chulalok (Rama I) noticed that some injustices arose from the enforcement of laws that were inherited from Ayutthaya and that some strange and foolish interpretations of laws were beginning to appear. Therefore, in the early Rattanakosin period he issued a royal command that all the nation's laws be revised.¹⁵ In 1804, a department was set up to codify and revise the laws.¹⁶ The codification process involved gathering together all the Royal Enactments from the royal law library that had been inherited from Ayutthaya and checking the translation and interpretation of the *Thammasat* to ensure that there were no mistakes or overlaps in meaning. Sections that were incorrect or deviated from principles of justice were corrected.

Once revised, the laws were organized into three books; one set was kept at the royal library and another at the royal court. The covers of the books were stamped with Three Seals. These books were referred to by "Phra Kasem" and "Phra Kaisri" when making judgments by luk khun, judicial officers, and only copies that were duly stamped with the Three Seals-Rajasiha, Kachasiha and Buakaew-would be considered valid as reference sources. If the seals did not appear on the cover of the book being used, adjudication could not proceed. These Three Seals are the origin of the term "Three Seals Law."¹⁷



Rajasiha (Lion),
Seal of the Chief Minister
(Prime Minister)



Kachasiha
(mythical creature; half
lion, half elephant),
Seal of the Minister of Defense



Buakaew (crystal lotus),
Seal of Chancellor of Tax



The Three Seals Law (original Thai version)

Ancient Thai laws which were derived from the *Thammasat* were not classified into civil or criminal laws nor were they adjudicated according to the legal relationship between officials and citizens or between citizens themselves. Rather, the laws were categorized according to the source of the dispute. Matters relating to the monarchy and activities in the palace were placed together under Palace Law, Law of Crimes against Government and Law on Revolt, Welfare. General laws, which at present are classified as public law and private law, were all grouped together as civil matters, legal matters, loans and savings or land law prescribing that the owner of all land was the King. Populace could not own them. Thus, laws were categorized based on whether or not the cases pertained to royalty or were between citizens themselves. Cases involving royalty related to the monarch and the monarch's authority in administering the country. Cases involving the people related to disputes between citizens themselves.

During the reign of H.M. King Chulalongkorn, the Three Seals Law were revised. The first phase of the revision was to modernize them. His Royal Highness Prince Rabibadhanasakdi made the following comment regarding the coding of ancient Thai laws:

"In ancient times, offenses that we call 'criminal' hardly existed. The term only came to be used when laws were being coded, but as for offences against the monarch or royal administration . . ."

Crimes that we recognize as falling under criminal law or civil law are a modern classification of laws which traditionally never existed before the Thai legal system was reformed. Ancient Thai laws were also not classified into public, private or administrative. These concepts were adopted later from Western countries and adapted to suit the system of laws in Thailand.



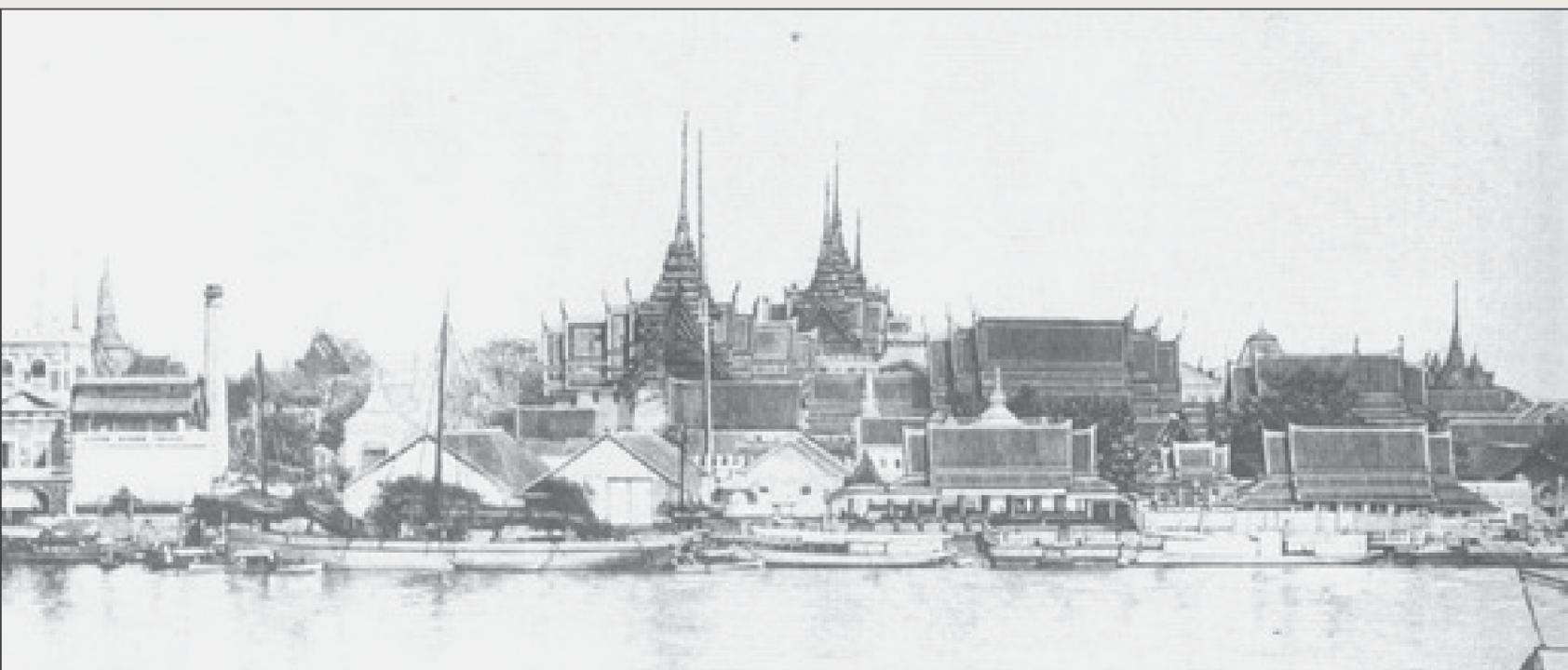
The Court System in Ancient Times

Before the reformation of the legal system during the reign of H.M. King Chulalongkorn, the system of justice of the Ayutthaya period was employed. There was a court, called a “Tralakan”, which investigated cases filed by citizens with the government bureau to which the citizen was attached. This is very different from the current court system. The meaning of the word “court” in ancient Siamese law did not mean judges like it does today. The word “Tralakan”, referred to an agency that gathered evidence using the inquisitorial system but was not responsible for determining the guilt or innocence of any party or for imposing penalties. Wrong doing was decided by a “jury” who was also

responsible for modifying laws, but who had no responsibility for investigating the facts of the case.

Before the judicial system was reformed, courts were not centralized under a single ministry but were attached to different ministries, bureaus and departments. A court’s authority to adjudicate a case was decided according to the type of case and the parties involved. The status of each party in the case had to be considered as well as the government department to which they were attached. The “Three Seals Law” categorized the types of courts that were attached to government departments as follows:

1. ศาลราชฎร (*San Ratsadon*), which had a high-ranking legal official adjudicating criminal cases in which a Tralakan was accused of committing an offence;
2. ศาลตำรวจ (*San Tam Ruat*), which adjudicated cases relating to forgery or accusations made against a plaintiff’s legal counsel or lawyer for making wrong presentations to the court;
3. ศาลกลาโหม (*San Kalahom*), which adjudicated criminal cases where the accused were not Tralakan;
4. ศาลกรมพระนครบาล (*San Krom Phra Nakhon Ban*), which adjudicated cases of gang robbery – which was a serious offence with heavy penalties;
5. ศาลกรมวัง (*San Krom Wang*), which adjudicated cases where the accused were officials serving in the Inner Court of the Royal Palace (som-nai). Offences included defamation, accruing debts and robbery as well as serious criminal cases such as murder, plundering, and abortion;
6. ศาลพระคลังราชการ (*San Phra Khlang Ratchakan*), which adjudicated cases involving international trade matters and foreign affairs;
7. ศาลกรมนา (*San Krom Na*), which adjudicated cases relating to farm lands, rice crops and other agriculture matters;
8. ศาลกรมมรดก (*San Krom Moradok*), which adjudicated cases relating to wills and inheritance;
9. ศาลแพ่งกลาง (*San Phaeng Klang*), which adjudicated cases relating to physical violence, injuries, and divorce;
10. ศาลแพ่งเกษม (*San Phaeng Kasem*), which adjudicated cases relating to allocation of property, trespassing, and mortgages;
11. ศาลกรมแพทย (*San Krom Phaetthaya*), which adjudicated cases relating to incantations, including cases where Brahmins and Hindu yogis were either the plaintiff or the defendant;
12. ศาลกรมธรรมการ (*San Krom Thammakan*), which adjudicated cases relating to allegations against monks or novices for offences involving love affairs with women, or accusations that monks or novices or lay people were involved in sexual relationships;
13. ศาลพระคลังมหาสมบัติ (*San Phra Khlang Mahasombat*), which adjudicated cases relating to fiscal budgets and taxes;
14. ศาลพระสัสดี (*San Phra Satsadi*), which adjudicated cases relating to disputes between royal serfs;
15. ศาลหลวงในมหาดไทย (*San Luang Nai Mahatthai*), which adjudicated cases relating to accusations that the courts or Tralakan failed to conduct a fair trial, question witnesses, or investigate evidence presented before such courts or Tralakan; and
16. ศาลฎีกา (*San Dika*), which was under the Ministry of Justice and adjudicated royal appeals.



As mentioned above, cases were categorized according to their departments and type of case. Following are some examples.

1. Groups of courts that considered only criminal cases were classified according to the type of department. The Northern District Courts, under the Ministry of Interior, handled petitions submitted by people in the Northern Districts. The Southern District Courts, under the Ministry of Defense, handled petitions submitted by people in the Southern Districts. District Courts along the coastline were under the Krom Tha and the Metropolitan Court in Bangkok was under the Department of Metropolitan Affairs.
2. Civil cases were handled by the San Phaeng Klang and the San Phaeng Kasem. Neither of them was under any ministry. The Ministry of Interior and the Ministry of Defense had their own courts for hearing cases transferred from the District Court.
3. Courts adjudicated cases specific to their jurisdiction; for example, the Krom Tha Court examined cases concerning foreign affairs; the San Krom Na handled land cases and the Treasury Court handled tax and debt cases. In addition, there were the Court of the Royal Family, the San Krom Wang and the Military Personnel Recruitment Division.¹⁹

Separating cases according to the jurisdiction of various courts could not cover all types of cases. However, cases that were essentially appeals against the "Tralakan", courts or nobles had to be submitted to the monarch to adjudicate. Sometimes the monarch decided the case himself, at other times he graciously appointed a committee to consider the case and offer their opinion before he decided on a verdict. This type of adjudication, inherited from Ayutthaya, was called a "Sanrapsang".



Court Procedure in the Ancient Thai Legal System

Formerly, Siamese court procedure was somewhat complicated. Judicial procedure and judgment was considered a royal prerogative of the monarch. However, after the territory of the country grew larger, the king could no longer adjudicate all cases himself so he appointed chancellors from various departments to exercise judicial power “on his behalf”. The Senabodi Krom Wang was like a Minister of Justice. The Senabodi Krom Wang was appointed as President of a Chamber of the court and was assisted by about twelve judges called “luk khun”.

A “court” in the ancient Siamese legal system was a unit in a government department and handled cases relating to people in that department. As a result, there were many courts under the various agencies. Cases went to the court of the department to which the plaintiffs and defendants were attached. Cases filed with the San Krom Wang were mostly cases of people suing each other. A serious offense was tried at the San Krom Mueang, also known as the “San Krom Phra Nakhon Ban”. Cases in a department would be considered by the court of that department. For example, the San Krom Na would



Siamese cattle-thief under the yolk.

Image Credit: Wellcome Collection.

<https://wellcomecollection.org/works/xqz79xc7> CC BY

consider land and cattle cases and the Financial Court determined cases related to crown properties. Officers at the Krom Phra Khlang were responsible for conducting trade with foreigners. Sometimes, foreigners were also prosecuted at the Krom Tha Court.

When a case occurred in the metropolitan area, the plaintiff could approach the “court registrar”. The court registrar was the person appointed to receive cases and record the lawsuit. The court registrar would then send the case to “the jury of the Royal Court” which was comprised of twelve judges. The jury of the Royal Court would determine whether the case should be accepted and which court would be responsible for the case. The court that accepted the case would call the defendant to answer questions and when the investigation was over, the case file would be sent back to the jury of the Royal Court for them to determine whether the plaintiff would win or lose the case. After the decision was made, the case would be sent to two other nobles referred to “Kraisri” and “Kraikasem” who would determine the punishment by applying the Three Seals Law. At the end of the Three Seals Law it states “... if the two nobles determining the punishment implement any royal enactment to prosecute, jurors will not be obliged to obey unless the three royal seals are shown. Do not just believe what is said.”



Chained prisoners

From the book “The Country and People of Siam” by Karl Doehring



During a trial, if a litigant had any objections, the case could be forwarded to the jury to adjudicate. Any appeal against the jury's decision had to be presented to the king. If the king considered the petition unreasonable, the litigant could be caned.²⁰

Even though trials during that period might use the word "appeal", it did not mean a revision of the judicial process like at present; it meant requesting another court to review the decision. The principles of judicial procedure, according to the Three Seals Law, were considered sacred as they were drawn from the ancient Thammasat Treatise. An "appeal", according to the original legal system, meant only a complaint against the judge. The accusation was an "offense of misjudgment".

The appeal system of ancient Siamese law was a single court system. Apparently, appeal meant "appeal against the action of the judge". According to Professor Robert Lingat,

"... Another feature that made old Siamese law resemble that of old laws in other countries, was the absence of appeals as we understand them. At present, the word "appeal" means to bring a lawsuit against a high court to request that a verdict is reconsidered. However, according to the old law, the verdict given by adjudicators was final so legal appeals as we understand them today did not exist. The only appeals were against the judge for not performing his duty properly, and lodged only in the form of a criminal complaint. Present day appeals derive from petitions to the king which were similar in nature to what we understand to be an appeal."²¹

The process of appeal against judgments of courts in the various ministries was the same as for the "Tralakan" (magistrate).

The Thai Court System after the Establishment of the Ministry of Justice

On 25th March, 1891, H.M. King Chulalongkorn announced the establishment of the Ministry of Justice which used a judicial system based on that of European countries. The Ministry of Justice, headed by a Chief Minister, was the sole authority responsible for judicial proceedings and had the duty to facilitate adjudication by the courts. The existing courts in Bangkok were streamlined into just seven courts as follows:

1. The San Dika was changed to become the Royal Court of Appeals;
2. The Interior Appeals Court was changed to the Civil Court of Appeals;
3. The Metropolitan Court and the Exterior Criminal Court were combined to become the Royal Criminal Court;
4. The San Phaeng Kasem, the San Krom Wang and the San Krom Na were combined under the San Phaeng Kasem;

5. The San Phaeng Klang, the Central Krom Tha Court, the Left Krom Tha Court, the Right Krom Tha Court, Justice Court and Royal Family Court were combined under the San Phaeng Klang, sometimes referred to as the Civil Court Kaisrirajsupavadee.
6. The Tax Court and the San Krom Moradok were combined under the Tax Court.
7. No changes were made to Foreign Courts.

However, some types of cases involving government officials and nobles or senior royalty were still considered and adjudicated by the monarch. This type of court was called a "Sanrapsang".



From the System of Petition to Sanrapsang

Originally, the royal authority of an absolute monarch was that of a “Dhammaraja” which meant that, according to religious beliefs, Thai monarchs were required to dispense justice to the people directly. As the supreme authority (sovereign) for both administrative and judicial matters, it was expected that the monarch would receive appeals directly from the people and this had been the practice for a long time. According to a Royal Decree from the Ayutthaya period, the system of adjudication was specific to an individual’s affiliation with a government department or rank within the bureaucratic system (sakdina). Appeals were in the form of appeals against the actions of a judge or the legal experts who had decided the verdict. Appeals to review the case itself could not be made as the judgment had already been given in accordance with the principles of “*Thammasat*” and these could not be questioned. Therefore, appeals needed to be made to the monarch to consider the verdict of the trial. Regarding this matter, Professor R. Lingat remarked:

*“A petition is an appeal to the monarch which could be used by people in the event that they were oppressed or exploited by officials, not only in relation to the adjudication of a case . . .”*²²

This illustrates the long-standing tradition of making a royal petition. It was a recognized process that grants citizens

the right to complain against an official or nobleman who had acted incorrectly or illegally. Any subject could present a petition to the king and the matter would be investigated. The petition did not need to be related to a dispute about the judgment of a magistrate or action of an official. Petitions to the king were initially submitted to the department to which the petitioner was attached.

Somdej Chao Phya Borom Maha Prayoorawongse (Dit Bunnag) presented a wooden drum measuring 62 cm in diameter and 136 cm in height, stretched with white buffalo leather²³, to King Rama III. His Majesty King Rama III then granted permission for people to beat the drum in front of the Grand Palace whenever they would like to lodge a complaint. Later, King Rama IV discontinued this tradition as most appellants faced many difficulties before they could reach the drum at the front of the Grand Palace. In addition to having to pay money to the officials (guarding the drum), some appellants were lashed before being allowed to beat the drum. Therefore, His Majesty ordered that the practice be discontinued²⁴ and had to pay money to unlock the key granted royal permission for people to make a petition directly to the king. Therefore, His Majesty received petitions from the public four times a month at the Suthaisawan Throne Hall in the Grand Palace.²⁵

People could exercise their right to present a petition related to actions of officials who were accused of wrongdoing according to Section 1C of the Old Royal Decree. Types of wrongdoing according to this Decree can be summarized as follows:

1. Cases of a person having malevolent intentions toward the Kingdom or intent on causing disorder.
2. Cases of stealing crown properties or embezzlement of elephants, horses, serfs (referring to slaves), farmland or taxes that belonged to the state.
3. Cases of misappropriating royal serfs to be under their own control.
4. Cases of government officials assigned to govern a city but who persecute and create hardships for the people in their administration.
5. Cases in which jurors responsible for deciding on a case are unwilling to do so.
6. Cases in which persons assigned to oversee government administration persecute and extort the people.

Additionally, H.M. King Mongkut was aware of the difference between the treatment of commoners and the treatment of royalty under the system of absolute monarchy. Government officials would not accept or consider any complaint against royalty so it came about that royal family members could not be found guilty of any offense. However, the petition system allowed the people to file a petition directly with the king for damages caused by members of the royal family. This system ensured that justice was equitable and could be seen as comparable to the rule of law. The law was applicable to all members of the royal family, including the king himself, and made them subject to scrutiny at all levels of the hierarchy. During the reign of H.M. King Mongkut, a law was created specifying that people could lodge a petition against the king by submitting it to the Deputy King of Siam (Phrabat Somdet Phra Pinklao Chaoyuhua). The Deputy King would then investigate the petition, make a decision and inform H.M. King Mongkut.²⁶

As there were many petitions submitted to the king, it was not possible for him to consider all of them. If a petition was considered particularly important, the king would sometimes graciously appoint either an individual or a committee to handle the case. The members of a committee might be from the royal family or be nobles that he trusted. This is the origin of the term “Sanrapsang” currently used in the Thai court system.

Sanrapsang

A “Sanrapsang” was based on the Sanrapsang of the Ministry of Palaces which was a court that existed prior to changes in the court system. The court of this Ministry was responsible for considering cases involving people who lived within the Grand Palace and who were prohibited from leaving its precincts, or for matters that occurred within the palace. After the court system changed and the Ministry of Justice took over the administration of all courts in 1891, cases involving disputes among people in the Grand Palace occurred but traditionally external courts were not able to investigate these cases. H.M. King Chulalongkorn, therefore, found it necessary to decide these cases himself.

As already mentioned, right from the beginning Siamese judiciary and administration were not clearly separated. As each individual’s affiliation with a government department and the authority to investigate a case were used as criteria, the court under the control of the Ministry of Palaces was responsible for cases dealing with disputes within the Grand Palace. Receiving a royal verdict was considered similar to the adjudication of a petition or an appeal case. Although judicial authorities (Tralakan) were appointed by the king to carry out judicial procedures on his behalf, the verdict given by the king was considered final so this form of court was called a “Sanrapsang”.

The scope of a Sanrapsang was quite broad because it delivered judgments made directly by the king, but Sanrapsang can be classified as follows:

1. Sanrapsang of the Ministry of Palaces

As previously mentioned, this was a Sanrapsang that dealt with incidents that could not be investigated by ordinary courts outside the palace precincts. Without this Court the people in the royal precinct would have been outside the jurisdiction of the law and the courts which would have been against the principles of rule of law. After the integration of the various courts under the Ministry of Justice in 1892, the monarch’s authority to adjudicate cases seems to have been distributed among the courts of the Ministry of Justice, following the model of Western countries. However, after proceeding with this system for some time the influence of social stratification and the system of nobility was still strong. In personal cases, royal or noble status was still seen as higher than that of the court so the courts were not able to try and adjudicate these cases. Therefore, cases involving persons of high social status or rank still had to be considered by the monarch as in the past.

2. Sanrapsang in Considering Petitions and Lawsuits

In former times, decisions of what was called the “San Dika” were still not final because when a plaintiff was dissatisfied with the verdict of the “San Dika”, they could still file the case as a “Petition to the Tralakan of the San Dika”. So in the end, the king had to exercise his authority to consider the petition in order that the dispute could be finally resolved and not brought up again. There were between 1,000 - 2,000 petition cases per year, so in addition to other royal duties, it can be seen that the problem of adjudicating lawsuits or deciding cases involving nobles and officials that were submitted by the public was a huge burden for the monarch.

After the reorganization of the judicial structure within the Ministry of Justice in 1892, all the courts came under the Ministry of Justice. However, the monarch did not delegate all judicial authority to the magistrates at one time. He set up the “Sanrapsang of Privy Councilors to Decide on Petitions” to deal specifically with petitions. Initially, this court had three judges:

1. Prince Bijitprijakara;
2. Prince Siridhaj Sangkas; and
3. Phraya Wuthikarnbodee.



Prince Bijitprijakara



Prince Siridhaj Sangkas



Phraya Wuthikarnbodee

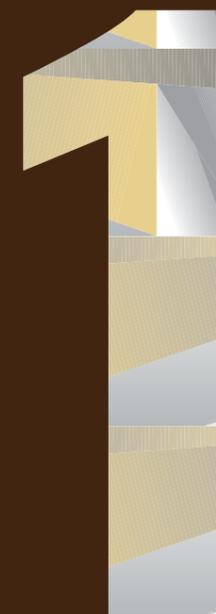
One point to notice is that this Sanrapsang was not under the control of the Ministry of Justice but was under the Legislative Council. Although citizens could file ordinary lawsuits with the Ministry of Justice, there was no agency within that ministry to consider petitions on administrative cases. Therefore, H.M. King Chulalongkorn appointed this court to consider appeals against decisions or orders by courts under the Ministry of Justice as well as other cases on behalf of the king, the same as Sanrapsang had done in the past. In addition to establishing the “Sanrapsang of Privy Councilors to Decide on Petitions”, His Majesty also ordered the Privy Council itself to sometimes act as Sanrapsang and for the Chief Minister of the cabinet to adjudicate some cases from time to time.²⁷

This was the starting point for the classification of appeals against a judge’s decision in the various types of petitions. Appeals against a judicial decision that used to be submitted to the monarch were henceforth transferred to a court under the Ministry of Justice. In addition to cases handled by the Ministry of Justice, if the people had other issues that were causing them hardship or distress, there was also a channel for them to appeal to the king in the form of a “Sanrapsang” or in the form of a submission to nobles or government officials who would consider the matter directly. This was particularly important in petitions involving Chief Ministers and which required investigation of actions by government officials or what we would call “administrative cases”. The monarch retained the power to accept and adjudicate these cases without going through the court procedure of the Ministry of Justice.





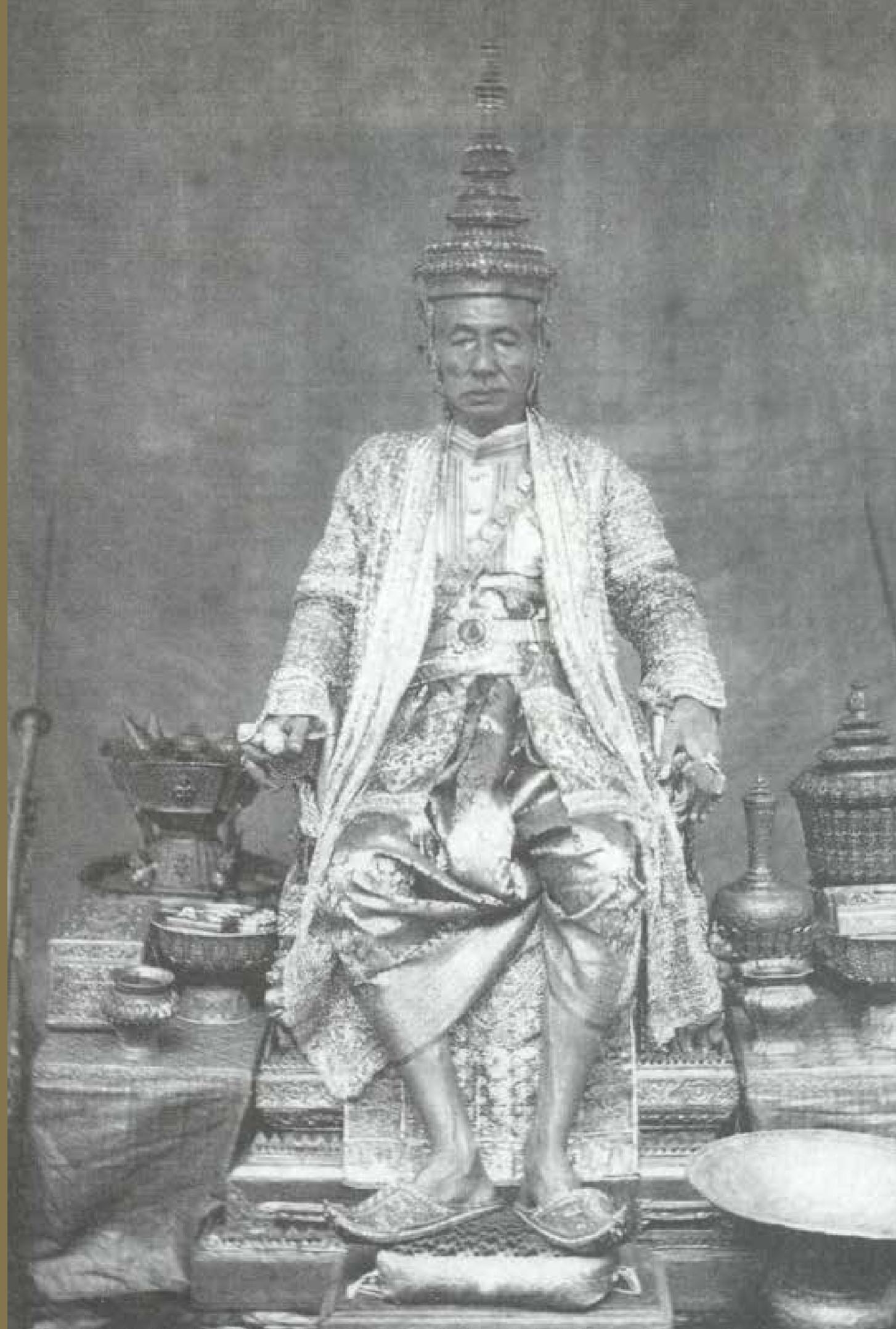
Era



The 1st Era in the Establishment of an Administrative Adjudication Body



H.M. KING MONGKUT
(Rama IV)



Establishment of Council of State as an Advisory of State

By the early nineteenth century, Siam was facing the threat of colonization and was being pressured by colonial powers. In 1842, Great Britain defeated China in the Opium Wars and signed the Treaty of Nanjing which allowed for the enforcement of extraterritoriality in China. Subsequently, Great Britain and the United States called for Siam to agree to similar treaties that granted the rights to free trade and extraterritoriality in Siam. However, negotiations with H.M. King Nang Klao or Rama III, failed to reach an agreement. Consequently, Great Britain decided to use force to compel Siam to sign the treaty. However, H.M. King Nang Klao passed away and a new king was taking the throne so Great Britain decided to wait and see if there would be any diplomatic gestures from the new king who appeared to be more modern in outlook and had a more positive attitude toward foreigners.³³



Image of Phraya Montri Suriyawong (Choom Bunnag) who led the Siamese delegation to present a letter to the Court of Queen Victoria of Great Britain on 9th November, 1857

After the new king, H.M. King Mongkut or Rama IV, ascended the throne, he opened the country to Westerners. He realized the dire consequences that might arise for his country if he refused to enter into relationships with Western nations. When Sir John Bowring was dispatched to Siam in order to negotiate a treaty in 1864, H.M. King Mongkut was forced to conclude the treaty with Great Britain because when the British came to negotiate they brought with them a flotilla of gunboats.³⁴ According to this treaty, Siamese law and jurisdiction could not be enforced against those who broke Siamese laws if they were under the control of the British. This meant that Siamese authorities would not have the right to punish these offenders and the Siamese viewed this as preventing Siamese authorities from carrying out their responsibilities.

At that time it was difficult for the Siamese to study European laws and customs so Siamese authorities lacked knowledge on Western laws. As the Siamese felt that it was necessary to rule the nation by themselves, the Consular Court was established.³⁵ In addition to the Bowring Treaty, H.M. King Mongkut also signed trade treaties with several countries: France, United States, Denmark, Portugal, Holland, Prussia, Sweden, Norway and Belgium. His Majesty wished to maintain a balance among international powers in Siam.

In a royal speech given by H.M. King Mongkut, His Majesty explained why treaties should be made with several countries. He pointed out that if a treaty was made with only one country, Siam would be completely under the control of that country. However, if Siam made treaties with several countries, even though the conditions of the treaties might be less favorable, more advantage would be gained in terms of liberty and stability.³⁶



Image of Phraya Sripipat (Pae Bunnag) who led the Siamese delegation to present a letter to Emperor Napoleon III of France on 27th June, 1861

H.M. King Mongkut's open-door policy encouraged many more Western nations to trade with Siam. Consequently, the Siamese administrative system was influenced by the presence of people from foreign countries and Siamese laws were adapted to accommodate those who came to trade. At this time, a problem arose concerning the enforcement of Siamese laws as foreigners did not accept Siamese jurisdiction. They claimed that Siamese laws were old and disorganized. They claimed that it was difficult to summarize the laws in the "Three Seals Law", which totaled forty-one volumes, and to apply these laws in a court hearing. Sir John Bowring noted that Siamese laws at that time did not provide sufficient safety for foreigners residing in Siam. Also, that sometimes there was intervention in the legal justice system by royalty or other people of influence.³⁷

This is the background to the Bowring Treaty which was signed with Great Britain in 1846. The United States and France also signed similar treaties with Siam.³⁸ The system of courts at that time was operated under the authority of different branches of state administration. For instance, the courts in the north were under the authority of the Chief Minister of Civilian Affairs; the courts in the south were under the supervision of the Chief Minister of Military Affairs; the courts in seaside towns were under the supervision of the Krom Tha etc. In Bangkok, authority to set up courts was with the city governor. Having so many authorities controlling the system of courts caused delay in adjudication and there was frequently bias in favor of those who worked in the department that had authority over the court.³⁹

H.M. King Mongkut groomed Prince Chulalongkorn from a young age by instructing him in politics and the administration of the kingdom.⁴⁰ H.M. King Mongkut himself earnestly instructed the crown prince in the king's law and principles of politics in order to prepare Prince Chulalongkorn to be his successor. The fact that Prince Chulalongkorn was nurtured closely by his father was an important factor in forming the profound relationship that existed between them. After his succession to the throne, Prince Chulalongkorn followed his father's initiatives and ruled the nation according to his father's directions in terms of both domestic and international policies. It appears that many of H.M. King Mongkut's political innovations were brought to fruition during the reign of H.M. King Chulalongkorn; namely centralizing the king's authority and the building of a sense of the kingdom's sovereignty that eventually led to the "nation state" of Siam.

In 1868, after the death of H.M. King Mongkut, a Great Council was assembled and they selected 15-year old Prince Chulalongkorn to be the new king. Throughout his reign, he followed his father's directions and brought about vast improvements in the administration of the kingdom.



H.M. King Mongkut (Rama IV) received the French plenipotentiary at the Ananta Samakhom Throne Hall on 22nd November, 1867

Politics and Administration from Early Rattanakosin Period to the First Coronation of H.M. King Chulalongkorn



H.M. King Chulalongkorn The Great (Rama V) and his retinue during a royal visit to India in 1868

As mentioned earlier, prior to 1857, Siam was facing efforts by Western powers to obtain new colonies in Southeast Asia. The Siamese nobility that supported the ascension of H.M. King Mongkut to the throne at the end of the reign of H.M. King Nang Klao⁴¹ included many members of the Bunnag family such as Chao Phraya Phra Khlang, the acting Minister of Interior (Dit Bunnag), Phraya Sriphitphat Rattana Ratchakosa (That Bunnag), Phraya Sisuriyawong (Chuang Bunnag), and Jang Wang Mahatlek, who was the son of Dit Bunnag. This explains why state administration was influenced so significantly by the Bunnag family during the reign of H.M. King Mongkut. In particular, Chao Phraya Sisuriyawong (Chuang Bunnag) came to play an important role in state administration. His influence is clearly illustrated in the role he played during the dispute between Siam and France regarding Siam's rights over the regions of Pratabong and Siem Rath. France wanted to claim both of these regions to be under its control but Chao Phraya Sisuriyawong (Chuang Bunnag) rejected their claim. This resulted in a severe dispute with Mr. Aubaret, the Consul of France to Bangkok. Mr. Aubaret was so displeased with the rejection of France's claim by Chao Phraya Sisuriyawong that he requested H.M. King Mongkut to change his negotiator. His Majesty; however, refused this request. Doctor Bradley later compared this request to "...cutting off the right arm, gouging the eyes and plugging the ears of H.M. King Mongkut's government ..."⁴²

Chao Phraya Sisuriyawong (Chuang Bunnag) played many and various roles during this reign. He was even in charge of the drafting and proceedings of the Bowring Treaty and was one of its signatories. As Sir John Bowring relates:

“...the signing of the treaty is actually the mission of the Chief Minister who is entrusted with the duty by the king. So, the matter should have been carried out by the younger brother of the Chief Minister of Military Affairs who is That Bunnag. I (Sir John Bowring) believe that it is inconvenient to enter into negotiations with several persons and that it is better to assign such negotiations to just one person and then, if necessary, that person can consult with others on difficult issues. Jamuen Sanphet Phakdee added that, in fact, it is only the Chief Minister of Military Affairs or Chao Phraya Sisuriyawong (Chuang Bunnag) that could make the final decision. Even though the king wished to appoint five negotiators who could consult together, it was probably left up to the Chief Minister of Military Affairs to decide...”⁴³

The influence and reputation of the Bunnag family expanded greatly and was apparent before the demise of H.M. King Mongkut. His Majesty entrusted the nation and the Crown Prince to Praya Surawong Waiyawat (Worn Bunnag) and asked that he consult with his father (Chuang Bunnag) and “not let anything (bad) happen”.⁴⁴ Thus, Chao Phraya Sisuriyawong (Chuang Bunnag) was the person who arranged for Prince Chulalongkorn to take the throne. As the young king was only fifteen years old, Chao Phraya Sisuriyawong (Chuang Bunnag) became the regent and acted on behalf of the young King until he reached maturity. The fact that Chao Phraya Sisuriyawong was appointed head of the committee to select the new king as well as the Deputy King (Wang Na), and the fact that those who opposed his selection had to cede to his decision⁴⁵ means that “he was essentially the only one exercising power in selecting the king and Wang Na”.⁴⁶

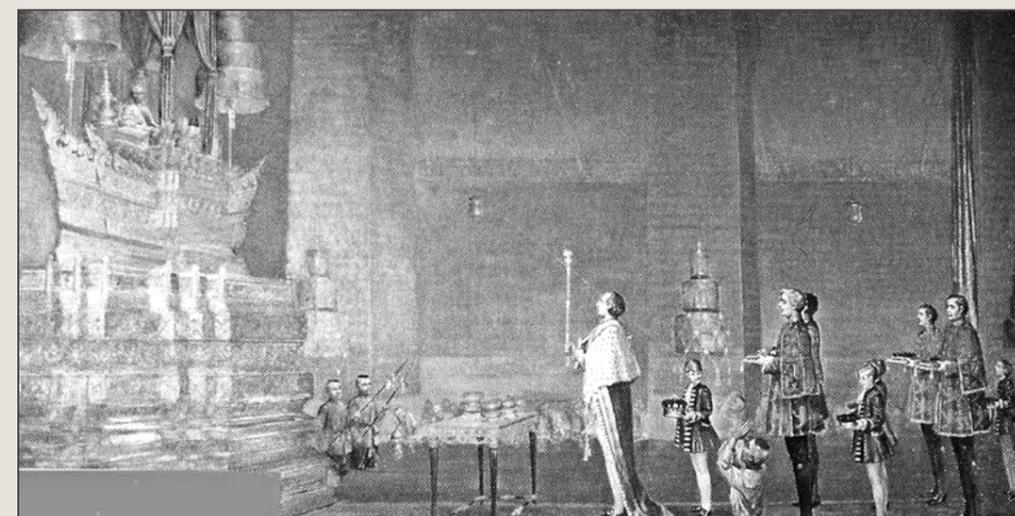
At the time he took the throne, H.M. King Chulalongkorn expressed his frustration to Somdet Chao Fa Wachirunhit regarding the authority that Chao Phraya Sisuriyawong (Chuang Bunnag) used to administer state affairs:



Somdet Chao Phraya Borom Maha Sisuriyawong (Chuang Bunnag),
Regent of H.M. King Chulalongkorn The Great before he was of age to ascend the throne

“... I was still young and didn't have enough knowledge to carry out duties as well as my father (H.M. King Mongkut) had done. And I was in pain and almost died. Nobody thought I would survive ... At that time, it was as if I was headless and that only the body was placed on the throne. All I could do was talk about the sadness I felt at being orphaned at such a young age and the heavy weight of the crown with enemies determined to remain all around me, both inside and outside, meaning both from within our own country and from foreign countries....”⁴⁷

Despite this, Somdet Chao Phraya Sisuriyawong followed the wishes of H.M. King Mongkut by not preventing H.M. King Chulalongkorn from going abroad to learn about state administration in other countries. H.M. King Chulalongkorn travelled abroad in the early years of his reign and visited Malaysia, Batavia and Semarang which at that time were colonies of Holland. His Majesty arrived on 9th March, 1870 and stayed for forty-seven days. His Majesty also visited Burma and India, which were then colonies of Britain. His Majesty arrived on 16th December, 1872 and stayed for three months. During these visits His Majesty was able to observe the countries governed by European nations in order to learn ways to improve state administration in Siam.



Sir John Bowring presents H.M. King Mongkut with a letter and presents from H.M. Queen Victoria, 1855.

As H.M. King Mongkut adopted methods of state administration, including adjudication of administrative cases, employed by foreign countries it can be seen that studying and learning from foreign countries occurred before the passing of H.M. King Mongkut in 1868. His Majesty prepared by obtaining an understanding of how foreign countries administered state affairs and transmitted this knowledge to his successors along with his encouragement to continue learning the concepts of state administration used by foreign countries and to apply them in bringing about improvements to state administration in Siam. Damrong Rajanubhab recorded some of his memories of travelling overseas in the early years of the reign of H.M. King Chulalongkorn:



Sir John Bowring

Thomas George Knox



H.M. King Chulalongkorn The Great with Tsar Nicholas II in Saint Petersburg, during his first royal visit to Europe in 1897

“The primary initiative commenced during the reign of H.M. King Mongkut who signed treaties aimed at opening the country up to trade with Westerners. As a result, there was an increase in the number of Consuls and foreigners coming to Bangkok. His Majesty thought it was necessary to develop and modernize Bangkok in order to avoid being criticized by the increasing number of foreigners living in the city. Development started with the construction of roads which could accommodate automobiles, such as Charoen Krung Road. In 1859, His Majesty also assigned Chao Phraya Sisuriyawong and Phrachao Lookyather Krommuen Visanunat Niphathorn to visit Singapore and see what improvements Great Britain had made there. His Majesty chose Singapore because it is not far from Siam and is easier to travel to than other countries. Later, H.M. King Mongkut expressed a wish to visit Singapore and observe first-hand the way that foreigners administered a country but as the king, a royal visit to a foreign country was a major affair. His Majesty therefore had to wait until 1868 for an opportunity. At that time, Sir Harry Ord, the Governor of Singapore, accompanied by his wife came to meet H.M. King Mongkut and went with him to observe a solar eclipse in Wah Gor (Petchaburi). Sir Harry Ord took this opportunity to invite His Majesty to visit Singapore and His Majesty accepted. His Majesty then discussed the matter with Chao Phraya Sisuriyawong who agreed but requested time to make preparations. (It is assumed that the time for the visit was set at the end of monsoon season in March of the following year.) However, after returning from Petchaburi, His Majesty fell ill and passed away. At the beginning of the fifth reign (H.M. King Chulalongkorn) when Chao Phraya Sisuriyawong was regent, foreign consuls including the British Consul General, Mr. Knox, asked Chao Phraya Sisuriyawong how the king would be educated in state administration. He answered that he would like the king to go overseas to study state administration in Singapore and Batavia. The consuls were delighted to hear this and accepted to inform their governments to make the appropriate preparations for a royal visit. When H.M. King Chulalongkorn was informed that he would be visiting foreign countries, His Majesty was very pleased. After His Majesty received the formal invitation from the British and Dutch governments, the preparations commenced.”⁴⁸

The royal visit to foreign countries began in 1871. H.M. King Chulalongkorn first travelled to Batavia which at that time was a colony of Holland. He was welcomed at the State Councilor Premises by high-ranking state officials from Holland. The details of the program for the visit of the King of Siam in 1871 state that:

“On the morning of the first day of the visit, a gun salute will be fired when the King of Siam disembarks, in order to honor the King. After the gun salute, the King will be invited to proceed to Government House in Roosavik District. Once inside Government House, high-ranking Dutch officials will welcome the King. After that, the King will be invited to view the Grand Hall where high-ranking state officials confer on matters of state. In the afternoon, the King will be invited to tour the city by car. In the evening, the King and his delegates will be invited to dine at the reception hall together with the governor and other high-ranking officials. In the early evening, the King of Siam will give audience to Dutch men and women of high social standing.”⁴⁹

In Batavia, H.M. King Chulalongkorn had the opportunity to visit the inauguration ceremony for the Council of State of Holland in Batavia⁵⁰ and this event is believed to have had a considerable influence on the establishment of the Council of State in Siam.⁵¹ His Majesty adapted the knowledge and experience he gained to reform Siamese administration in many areas, especially in the establishment of a Council of State.⁵²

According to Dr. Walter F. Vella, Chao Phraya Sisuriyawong was the longest serving regent in Thai history.⁵³ However, while he served as regent he did not initiate any projects to improve the country. He did; however, maintain the stability of the nation during a volatile period. It is possible that H.M. King Chulalongkorn may not have been pleased that he did not initiate any reforms during his time as regent. It was not until after H.M. King Chulalongkorn's second coronation in 1873 when the situation in the country was more stable, that he began to initiate important political and administrative changes. The major changes implemented at that time can be considered the starting point of the present Administrative Court of Thailand.



H.M. King Chulalongkorn The Great at his second coronation

Politics and Administration after the Second Coronation of H.M. King Chulalongkorn

The second coronation ceremony of H.M. King Chulalongkorn was held in 1873 after His Majesty had spent a period of time in the monkhood. From that time on, he ruled the nation without a regent and commenced applying public administration principles from foreign countries to Siamese administration. His Majesty established the Council of State and the Privy Council as stated in the third royal proclamation on the establishment of the Council and the Act:

“...Since his enthronement, H.M. King Chulalongkorn has been determined to take care of the country including the royal family, government officials and the people so that they develop and prosper. His Majesty therefore paid royal visits to foreign countries in order to observe their political and administration systems and use what was beneficial as a model for administration in Siam ...”

In summary, the reasons why H.M. King Chulalongkorn streamlined and improved public administration of the country were; firstly, to protect the country from colonization by Western colonial powers and preserve the nation's sovereignty as it had just lost its right of extraterritoriality; and secondly, to allow high ranking officials and members of the royal family who had been carrying out public administration duties for many years before coming under the control of the regent (Sisuriyawong) to work with the King to improve the country. To do this, His Majesty adopted organizational models for public administration from foreign countries, especially those applied in European countries of the time, to improve public administration in Siam.

H.M. KING CHULALONGKORN
THE GREAT
(Rama V)

Source: Wellcome Collection. CC-BY



Influence of Systems of Public Administration in Foreign Countries on Changes in the Siamese Administration System

In the early years of the reign of H.M. King Chulalongkorn, the King's authority was wielded by his regent and the nobility. The situation in the country at that time involved three groups: the first group was known as "Young Siam", who supported H.M. King Chulalongkorn. This group was composed of nobility and young government officials who wished to reform the country rapidly using the systems of administration employed in Western countries. This group included Phra Chao Nong Ya Ther, young government officials and Chao Phraya Bhasakorawongse (Phon Bunnag). The second group was called "Conservative Siam" which included Somdet Chao Phraya Borom Maha Sisuriyawong, the regent. This group was composed of senior nobility who saw some benefits to be gained from Western countries but mostly wanted to retain Siamese culture. The last group was called "Old Siam" led by Krom Muen Bowon Wichaichan. This group of nobles was against Western concepts and opposed any changes that could affect the stability of their positions and benefits.⁵⁴ It is obvious that changes in public administration during the reign of H.M. King Chulalongkorn required the cooperation of the royal family and the nobility.

One of the key persons who played an important role in studying the concept of Council of State was Chao Phraya Bhasakorawongse (Phon Bunnag). He was the son of Somdet Chao Phraya Borom Maha Prayoonrawongse. Somdet

Chao Phraya Borom Maha Sisuriyawong (Chuang Bunnag), his elder brother, sent him to study in England after his father's death. When he was fifteen years old, he studied English for three years. Once his English proficiency improved to the point that he could communicate, read and understand text books; he was called to be an interpreter for Chao Phraya Wongsewaiyawat (Worn Bunnag), Siamese ambassador to France. When he returned to Siam, he held the position of Nai Racha Nattayanuharn until the end of H.M. King Mongkut's reign. Later, he had occasion to serve H.M. King Chulalongkorn. In the early years of the reign of H.M. King Chulalongkorn, government officials who appeared before the king were frightened by his regent, Chao Phraya Borom Maha Sisuriyawong. They thought he might inform the king of some of their improper doings. Chao Phraya Bhasakorawongse; however, was not scared and loyally served the king. Later, he was called to serve the king as he was the only one who could help the king search for English textbooks. As a key person proficient in English, the King graciously appointed him as Chao Muen Sri Sorak Huao Muen Mahat Leck. When H.M. King Chulalongkorn paid royal visits to Singapore, Java and India, he accompanied the King in order to observe traditional practices and learn about the principles of public administration that might be applied in Siam. Government agencies developed on models from foreign countries definitely derived assistance from Chao Phraya Bhasakorawongse.



Chao Phraya Bhasakorawongse (Phon Bunnag)

He assisted in the setting up of regulations on royal decorations, the establishment of the King's Guard Regiment, English schools for members of the royal family and Siamese schools for members of the King's Guard Regiment.

Chao Phraya Bhasakorawongse translated French laws relating to the Council of State in 1869 and along with Henry Alabaster, laws relating to the Privy Council of Great Britain. Documents used during H.M. King Chulalongkorn's reign concerning French laws related to the Council of State indicate that they were translated by Chao Phraya Bhasakorawongse in 1869,⁵⁵ so it can be assumed that the translation of French laws related to the Council of State was carried out during the reign of H.M. King Mongkut. Chao Phraya Bhasakorawongse used to work as H.M. King Mongkut's principal private secretary and when H.M. King Mongkut passed away, Chao Phraya Bhasakorawongse worked as principal private secretary for H.M. King Chulalongkorn. As H.M. King Chulalongkorn was still young, he probably did not order Chao Phraya Bhasakorawongse to translate the French laws so it is safe to assume that the translations were done in the reign of H.M. King Mongkut. This indicates that the study of public administration started during the reign of H.M. King Mongkut and material collected and translated was later used as the foundation for the establishment of State Councilors or Council of State.



**Legal Provision for
the Council of State**
(handwritten copy of original text)





Royal Proclamation on Council of State

After his second coronation ceremony, H.M. King Chulalongkorn commenced to administer state affairs himself. To reform the treasury he established the Ratsadakorn Pipat Hall and reformed some traditions regarding royal audiences by abolishing the practice of prostration before the king so as to make audiences more acceptable according to modern practice. Later, he established two major councils: the Council of State, which provided advice on state affairs, and the Privy Council, which was an advisory council to the king.

This meant that power for both state administration and advising the monarch was centralized in these two councils. Previously, the nobility consulted with the regent regarding state affairs.⁵⁶ In addition, traditions from foreign countries were adopted in meetings regarding state affairs and therefore traditions such as prostration before the king were abolished as mentioned above.

As part of the reform of traditional practices and adoption of concepts of state administration from foreign countries, H.M. King Chulalongkorn was willing to forego his status as monarch and take up the role of President of the Council of State. In establishing the Council of State and the Privy Council, H.M. King Chulalongkorn consulted with Somdet Chao Phraya Sisuriyawong from the very beginning. A note by H.M. King Chulalongkorn written to Somdet Chao Phraya Sisuriyawong stated:

“In discussion with Chao Khun (Somdet Chao Phraya Sisuriyawong) regarding the establishment of these councils I expressed my opinion that whatever will truly lead to the development of the nation must come from consulting with each other. This is why we thought of establishing these two Councils (i.e. Council of State and Privy Council). So I am willing to lower my authority and sit in this council holding that there are no members of higher or lower status ...”⁵⁷





The Council of State⁵⁸ was established according to the notice on *Establishment of the Council of State* and a royal proclamation was issued on 8th May, 1874. In the beginning, the Council consisted of the following twelve high-ranking nobles:

- | | |
|---|--|
| 01. Phraya Rachsupawadee (Peng Penkul), | 07. Phraya Apaironarit (Yaem Boonyarattapun), |
| 02. Phraya Sri Pipat (Pae Bunnag), | 08. Phraya Rachachai (Chamroeun Buranasiri), |
| 03. Phraya Rachwaranukul (Bunrot Kanlayanamit), | 09. Phraya Charoenrajamaitri (Tad Amatyakul), |
| 04. Phraya Krasabkitkoson (Mod Amatyakul), | 10. Phraya Phiphit Phokhai (Thongkum Suwannat), |
| 05. Phraya Bhasakorawongse (Phon Bunnag), | 11. Phraya Kalahom Ratchasena (Krab Boonyarattapun), |
| 06. Phraya Mahaamat (Chuen Kanlayanamit), | 12. Phraya Rachayotha (Thongyou Bhumiratana) |

In meetings, these nobles advised the king on important matters of state administration, notification of laws and traditions to be followed in the country. The king realized that state administration should not be carried out only by the king

“... because it would not be successful. But if there are others who help think through matters there will be many points of view..., and goodness and prosperity will come about for the nation”

In addition, this council was given the authority to balance the power of the king and to investigate issues correctly and justly.⁵⁹

The king graciously granted the authority to enact the *“Act on Council of State as Advisors to the State”* on 14th June, 1874 by stipulating that the Council of State had authority in two areas: to advise the king on the matters concerning state administration; and to advise the king on matters relating to the drafting of legislation and consideration of petitions submitted by the people for redress of grievances. All members of the Council, no matter what their title, were to be treated equally and were capable of expressing opinions freely.

In meetings of the Council of State, H.M. King Chulalongkorn was to be “President”. There would be councilors who came from the royal family and councilors who were government officials who could deal with state affairs. The king also appointed six members of the royal family and allowed the Council of State to select one of them to be “Vice President” who would act on behalf of the President when the President was absent. There was also a “Clerk of Council” and a “Deputy Clerk of Council” whose duty was to carry out accounting services and take notes during meetings. Meetings took the form of discussion and voting.

Later, H.M. King Chulalongkorn wished to allow government officials to communicate with him directly without first receiving permission from the Chief Minister. Therefore, on 15th August, 1874, His Majesty appointed the “Privy Council” who were responsible for advising the king and assisting in other affairs as assigned. However, the Privy Council did not have as much authority as the Council of State because matters approved by the Privy Council had to be submitted to the Chief Minister after being approved by the Council of State.

H.M. King Chulalongkorn also requested Somdet Chao Phraya Borom Maha Sisuriyawong to be a member of the Privy Council but Maha Sisuriyawong declined and provided the following explanation for his decision.⁶⁰

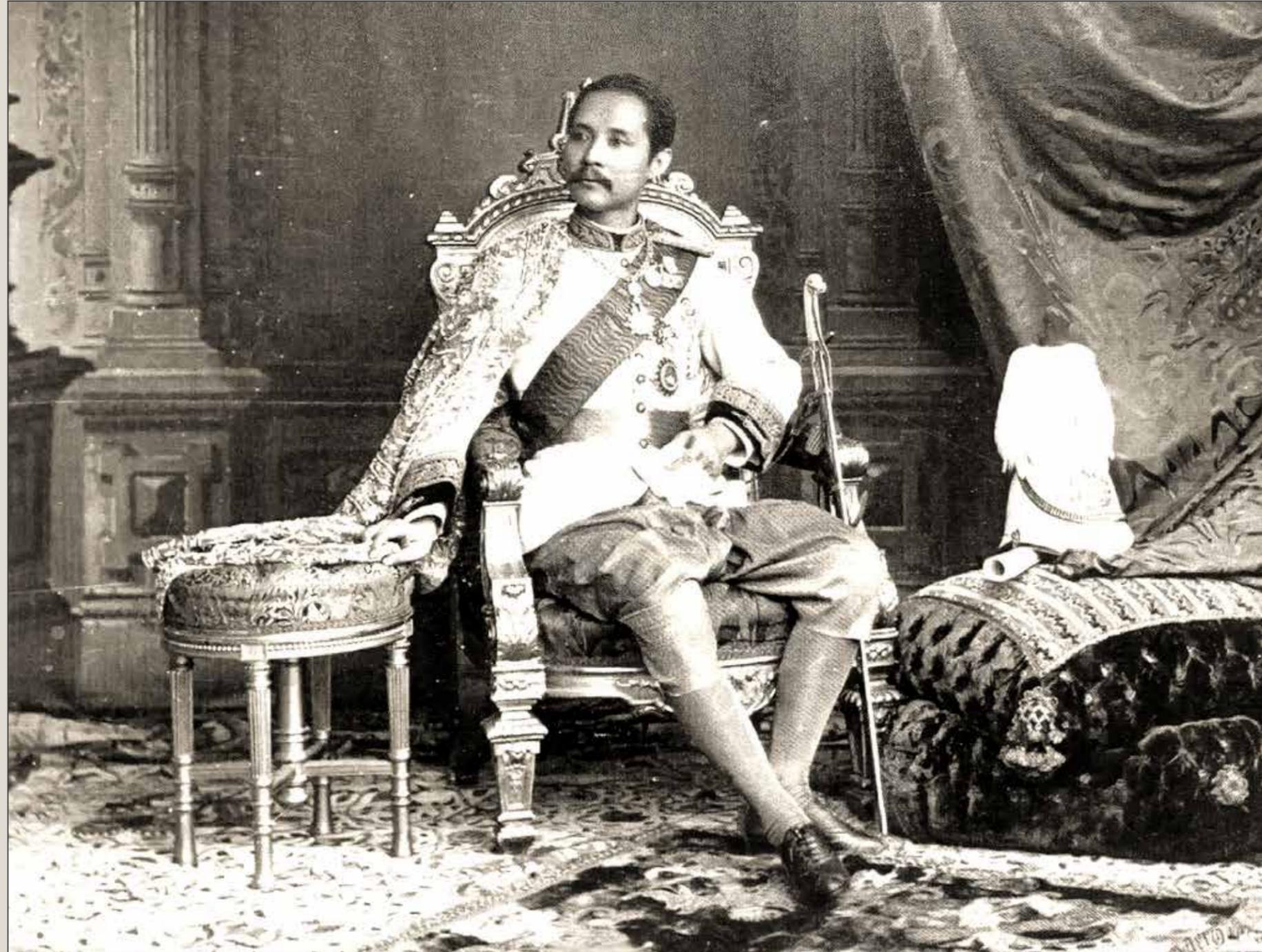
“...I have been serving the country and royal family since the reign of H.M. King Nangklao. I earned his trust and was always placed in important positions close to His Majesty up to the point of being made regent during the reign of H.M. King Chulalongkorn and was responsible for ensuring the nation’s development. Now, I hold the position of Somdet Chao Phraya and have the power to behead people if needed. As I have been serving the king until my old age, to have me make an oath of allegiance again in order to be a Privy Councilor is not something that a person of my status can accept to do...”

The model used to establish the Council of State corresponded to that described in French legal documents which were translated by Chao Phraya Bhasakorawongse and presented to H.M. King Mongkut. The establishment of Council of State in Siam took place seventy years after the establishment of the Conseil d’Etat in France but the mission of both these councils was essentially the same: to advise the king on matters

concerning state administration and consider grievances submitted by the people. The form of the council was similar to French administrative jurisdictions namely “Le Conseil du Roi” or to the “Raad Van State” established in Holland in 1848. The establishment of the Council of State in 1874 can be considered the beginning of “administrative jurisdiction” in Siam.

The first meeting of the Council of State was held on 16th May, 1874 at Sammati Devaraj Uppabat Throne Hall.⁶¹ H.M. King Chulalongkorn attended the meeting as its president.⁶² At the outset, the Council of State aimed to improve and develop the country in many significant areas. Realizing that financial reform and taxation were important, H.M. King Chulalongkorn proposed a new tax collection system along with the establishment of a Ministry of Finance (Ratsadakorn Pipat Hall) for consideration by the ministers as soon as the Council of State was convened.⁶³ Later, a Ministry of Finance was established and was responsible for collecting state revenue from state agencies and officials. His Majesty also proposed that a law be passed to abolish slavery.

The Council of State not only had the authority to administer state affairs, but could also order “court-appointed investigators” to inquire into wrongful acts by officials when corruption was suspected. For example, the Council of State was notified by Phraya Aharn Borirak that the committee responsible for collection and auditing of “field tax” had been collecting state revenue and sending it to the national treasury for twenty-two years but the amount claimed to have been sent to the treasury did not match with the amount as recorded by the treasury. Phraya Chaiyod inquired into the facts of the matter and found that there was no mistake in the accounts. The mistake was that the amounts stated by Phraya Aharn Borirak were much higher than the amount actually collected and sent so Phraya Chaiyod requested the Council of State and six members of the Privy Council to make a decision on the case. This is an example of an investigation of officials by the Council of State and Privy Council using a “court-appointed investigator”.



H.M. KING CHULALONGKORN THE GREAT (Rama V)

Meeting Venue for the Council of State

The Council of State convened regularly and the minutes of their meetings show that meetings were convened in many places such as the Sammati Devaraj Uppabat Throne Hall; a building within the Grand Palace that was similar to the Chakri Maha Prasat Throne Hall; at the Suthaisawan Throne Hall, which was located on the eastern wall of the Grand Palace, and a building used for discussing state affairs located in front of the Emerald Buddha Temple.

The Council of State was first convened on 16th May, 1874 at the Sammati Devaraj Uppabat Throne Hall. H.M. King Chulalongkorn presided over the inaugural meeting as the Council's president. There is evidence that the Sammati Devaraj Uppabat Throne Hall was used regularly as the venue for meetings of the Council of State so it is appropriate that the history of this venue be recorded here.

Sammati Devaraj Uppabat Throne Hall

Sammati Devaraj Uppabat Throne Hall was built in 1869 on the western side of the Chakri Maha Prasat Throne Hall and was connected by a corridor to the residential building where the king was born so he named the new throne hall "Sammati Devaraj Uppabat" which has a meaning related to his birth.

Sammati Devaraj Uppabat Throne Hall was used as the venue for meetings of the Council of State and occasionally for public audiences with the king. Later, when Borom Raja Satitja Maholarn Hall was constructed, His Majesty proceeded to receive visitors at the royal yellow bedchamber of this hall but still gave public audiences with nobility and held meetings of the Council of State at the Sammati Devaraj Uppabat Throne Hall. Once construction of the Chakri Maha Prasat Throne Hall was completed, Sammati Devaraj Uppabat Throne Hall was incorporated as an internal chamber of the royal palace.

When Somdet Phranangchao Sunanda Kumariratana and HRH Princess Kannabhorn Bejaratana passed away, H.M. King Chulalongkorn was deeply saddened. Later, he fell ill and so stayed at the Sammati Devaraj Uppabat Throne Hall instead of going to the Amorn Piman Manee Throne Hall where he usually slept.

This throne hall is important not only because of its close connection to H.M. King Chulalongkorn, but also its connection to historical events of Siam. It is best known as the place where H.M. King Chulalongkorn declared the abolition of slavery to the Council of State on 12th July, 1874. As time passed, the building deteriorated to the point that it was no longer able to be restored. H.M. King Bhumibol Adulyadej The Great graciously granted permission to demolish the dilapidated hall and ordered the construction of a new Sammati Devaraj Uppabat Throne Hall in its place.



The Sammati Devaraj Uppabat Throne Hall in the Grand Palace



Suthaisawan Prasat Throne Hall

The Council of State also held meetings in the Suthaisawan Prasat Throne Hall which is situated on the wall of the Grand Palace. It sits between the Deva Phitak and Sakdi Chaisit Gates. The porches on the east and west were short with double-tiered roofs. The porches on the north and south stretched along the wall and were mounted with a four-tiered roof. The north and south porches were 8.80 meters wide and 55 meters long. The decorative roofs and lacquered spires were covered with coloured glass-mosaic depicting a foliate motif design. In the middle of grated windows were narrow masonry walls. Most of them were designed to be entrances and window panels. If they were all opened, the building looked like an open-pillared pavillion. The ceiling was lacquered with perforated design. The major porches on the north and south had round pillars with lotus flower motifs on the top and bottom which was a Western architectural style. In the reign of H.M. King Buddha Yodfa Chulaloke, Rama I, the Suthaisawan Prasat Throne Hall was just an open pavilion with four porches and no spires on the roof. Originally, it was called the Plubpla Sung or the high pavilion and was made entirely of wood. It was used to view military parades and elephant training.

Later, H.M. King Nang Klao graciously granted permission to tear down the old pavilion and construct a

new one. The Rattanakosin Chronicles state that it was built at a time when no repairs were being carried out and there was no construction of palaces, pavilions or buildings in the Grand Palace. It is assumed that this hall was built around 1824. At that time it was called "Suthasawan Throne Hall".

Later, in 1853, H.M. King Mongkut granted royal permission to change its name to be "Suthaisawan Prasat Throne Hall". During the construction of a cluster of pavilions in the Phra Abhinao Niwet between 1854 and 1859, His Majesty ordered this pavilion to be renovated by replacing the major pillar which was made of wood with a cement pillar having lotus flowers on the top and bottom in the Western architectural style, similar to the pillars in the Ananta Samakhom Throne Hall.

During the reigns of H.M. King Mongkut and H.M. King Chulalongkorn, Their Majesties frequently used the Suthaisawan Prasat Throne Hall for royal ceremonies and charity activities. H.M. King Mongkut used this pavilion as a place to worship the relics of the Lord Buddha, to conduct the royal floating lantern ceremony, to offer cloth to Buddhist monks for making robes and to observe military parades. H.M. King Chulalongkorn used this pavilion as a place to install statues of former Kings of the Chakri Dynasty and pay homage to former Kings on the occasion of his coronation ceremonies in 1874 and 1881.



In 1882, the statues of former Kings of the Chakri Dynasty were placed in the Siwalai Maha Prasat Throne Hall and so homage to three former monarchs was conducted there instead.

According to books on the subject, H.M. King Chulalongkorn The Great stated that "H.M. King Mongkut once graciously granted permission to renovate the Suthaisawan Prasat Throne Hall". Much later, H.M. King Ananda Mahidol ordered some improvements to be made to the interior but there are no details on what was improved.

In the reign of H.M. King Bhumibol Adulyadej The Great, Suthaisawan Prasat Throne Hall was reconstructed two times. The first was in 1956 and this was followed in 1963 by a major reconstruction.

Cases Adjudicated by the Council of State

The Case of Phraya Aharn Borirak

Phraya Aharn Borirak (Nuch Boon-Long) was the Minister of Agriculture and nephew of Somdet Chao Phraya Borom Maha Sisuriyawong. He refused to accept and act in accordance with an order of the Council of State regarding a financial reform notification issued to the Department of Agriculture. He claimed that the new law related to lands was not practical and caused loss of income. H.M. King Chulalongkorn appointed a committee to investigate the income accounts under the supervision of Phraya Aharn Borirak and a discrepancy was discovered between the amount of taxes collected by the Department of Agriculture and the amount sent to the treasury. Phraya Aharn Borirak was then prosecuted by the Council of State.

Phraya Aharn Borirak's case demonstrated that H.M. King Chulalongkorn intended to use the state councilors and advisory council to the king as a tool to examine state administration more effectively, including the strict examination of taxes, as all state officials had to perform their function as prescribed by law. In this case, H.M. King Chulalongkorn ordered the property of Phraya Aharn Borirak to be confiscated by the state. Phraya Aharn Borirak was also stripped of his social rank and imprisoned.

This case shows that the punishment of state officials who committed wrongful acts at that time depended on the king's decision. The penalty for most officials who committed a wrongful act was confiscation of property and imprisonment such as in the case of Phraya Aharn Borirak. The system of investigation and punishment involved establishing a committee whose members had authority in state administration to inquire into the facts of the case. In other words, the king would graciously appoint a "Sanrapsang" made up of members from the Council of State and Privy Council.

The Case of Phra Preecha Kolakan

The case of Phra Preecha Kolakan was an important case at that time because it affected international relations between Siam and Great Britain. Phra Preecha Kolakan (Sam-ang Amatyakul) was the son of Phraya Kasabkitkoson (Mod Amatyakul) who was a state councilor.⁶⁴ Phra Preecha graduated in the field of engineering from Great Britain and had held the position of governor of Prachin Buri and supervisor of gold mines in Kabin Buri. He was a nobleman who had always supported H.M. King Chulalongkorn. However, while he was the governor of Prachin Buri, the residents of the province submitted a total of twenty-seven petitions to the king accusing Phra Preecha of cheating and fraud as he had claimed royal funds for gold mine investment amounting to more than fifteen thousand and five hundred Chang (a unit of money equivalent to eighty baht) but that the amount of gold that he sent back was only one hundred and eleven Chang which was less than expected.⁶⁵

H.M. King Chulalongkorn transferred all petitions against Phra Preecha Kolakan to the Council of State for consideration. The Council of State subsequently called Phra Preecha Kolakan to appear before the Council so that he could answer questions regarding the matter. However, Phra Preecha Kolakan's father-in-law was Thomas George Knox, the Consul General of Great Britain at that time. Phra Preecha requested that his father-in-law help him by sending a gunboat from Singapore to threaten Bangkok. So arresting Phra Preecha Kolakan in order to interrogate him was a sensitive issue and would probably impact on international relations. H.M. King Chulalongkorn saw this as an important case⁶⁶ and therefore graciously granted authority to the Council of State to pursue the matter. His Majesty also sent Chao Phraya Bhasakorawongse, a State Councilor, to Great Britain to seek audience with Queen Victoria to explain the matter so as to not let the case escalate into a crisis between the two countries.

The facts from the enquiry revealed that Phra Preecha Kolakan was guilty of several offences including corruption and murder while he was supervisor of gold mines in Kabin Buri. He was sentenced to death but because of the circumspect way in which the case was handled, no negative impact occurred in international relations between Siam and Great Britain. This case shows that the punishment decided on by the Council of State for an official who committed a wrongful act was similar to that given in the "judicial system" which had a trial and ordered punishment according to criminal law.

Dispute between Momchao Plean and Nai Pong vs. Luang Jaturongyotha and Nai Tad

This case involved a dispute between a nobleman and a member of the royal family. The case was tried by a court but a petition was made for the king to reconsider the verdict. H.M. King Chulalongkorn entrusted the Council of State to re-try and adjudicate this case as a “Tralakan Sanrapsang”. Phrachao Boromawongthoe Chaofamahamala Kromphrayabumrabporapak assigned Phraya Anurak Rat Montien to copy the statements of Momchao Plean, Luang Jaturongyotha, Nai Tad and Nai Pong. In summary, Luang Jaturongyotha claimed that Momchao Plean had stolen his hat. Apparently, Luang Jaturongyotha caught Momchao Plean and stabbed Nai Pong, his follower, with a knife. The Council of State ordered Luang Jaturongyotha to pay compensation. Moreover, Luang Jaturongyotha was considered a state official and had arbitrarily harmed Momchao Plean who was a member of the royal family. This constituted another wrongful act for which he should leave his office. However, the king was of the opinion that Luang Jaturongyotha was a newly-appointed state official and did not know much about formal tradition. Moreover, he was also a diligent worker so the king decided that punishment should be waived.⁶⁷

Problems in Establishing the Council of State

The establishment of the Council of State in 1874 resulted in many significant achievements. Not only did the Council of State try and adjudicate cases between the nobility as mentioned above, but it also laid down many important regulations and laws. For instance, the revocation of fines imposed on farm owners who cut down taxable trees,⁶⁸ the Act on Land Survey Officials which helped protect against corruption,⁶⁹ and the Act on Slavery and Retirement.⁷⁰ These changes had a strong impact on the nobility and were a major factor influencing national reform during the reign of H.M. King Chulalongkorn. They enabled the king to wrest control of state administration from the old powers and return it to the royal institution.

However, meetings and discussions on state affairs by the Council of State did not yield the desired results because the Council of State did not clearly understand its function. It still thought that it was a bridge between the king and the ministers so H.M. King Chulalongkorn decided to perform the work himself. If problems occurred, His Majesty communicated his ideas directly to the ministers in writing.⁷¹

In 1874, the “Front Palace Incident” caused the Council of State to be discontinued. The rapid pace of changes resulting from political and administrative reform caused turmoil among the old guard of government officials. Krom Phra Ratchawang Bowon Wichaichan, the king of the Front Palace throughout the reign of H.M. King Chulalongkorn, had been appointed by the nobility led by Somdet Chao Phraya Borom Maha Sisuriyawong. He became frightened when he received an “anonymous letter” threatening his life. Soon after, a fire broke out in the gas storehouse in the Grand Palace and he fled to seek

refuge in the British Consulate. This caused panic and tension between the Grand Palace and the Front Palace. H.M. King Chulalongkorn immediately invited Somdet Chao Phraya Borom Maha Sisuriyawong, who was in Ratchaburi, to settle the crisis. After negotiation, a compromise was made between the two palaces. This incident revealed the conflicts that had arisen relating to the decrease in benefits, allocation of staff and weapons to the Front Palace and discontent with the political reforms of H.M. King Chulalongkorn.⁷² To end the crisis, the Deputy King reaffirmed his oath of allegiance to the monarchy and H.M. King Chulalongkorn authorized the Deputy King to have two hundred royal guards so as to affirm his confidence in the Front Palace.

After the Front Palace Incident, H.M. King Chulalongkorn was more careful in making political changes as many of his reforms led to swift changes which many nobles and high government officials found difficult to accept. His Majesty realized that the stability and unity of the nation depended greatly on the nobility and ministers but he maintained his intention to establish the Council of State and the Privy Council even though their role had been temporarily suspended.⁷³

The Council of State had been operating for only nine months before it was interrupted by the Front Palace Incident in 1874. In 1878, the council met again but it was disorganized and provided no tangible outcome. Finally in 1888, political reform recommenced after the death of Somdet Chao Phraya Borom Maha Sisuriyawong and Krom Phra Ratchawang Bowon Wichaichan.



The establishment of the Council of State illustrated the sagacity and comprehensive wisdom of H.M. King Chulalongkorn in executing public policy using the “Principle of Legality”.⁷⁴ He was able to oppose the power of the nobles and establish the Council of State which shifted state administration power from the nobility to the monarch. This aspect of political reform aimed to lay the basis for establishing the nation state which in the future would need a budget and competent personnel to assist reforms. However, other factors also needed to be considered because some provinces of Siam bordered on French and British colonies. Swift changes in the balance of political power as a result of central government policies could cause resentment among local people, particularly provincial governors and local nobility, and this could, in turn, be used as an excuse for foreign intervention.⁷⁵

Establishment of the Three Councils: Council of Ministers, Privy Council, and Legislative Council

After a period of time had passed, the royal family and nobility requested H.M. King Chulalongkorn to develop public administration following European standards by dividing the king’s absolute power into three powers: executive, legislative and judicial. This suggestion led to a change in the public administration system. The Western concept of separation of the king’s sovereignty was applied to bring about political reform at the beginning of H.M. King Chulalongkorn’s reign. H.M. King Chulalongkorn established three councils, namely the Council of Ministers, the Privy Council, and the Legislative Council. These bodies were adjusted to be more effective and suitable for public administration.

Opinions Presented by the Nobility regarding Adjustment of State Administration

On 9th January, 1885, a group of nobility and government officials who had studied the European political system co-signed a letter suggesting ways to develop public administration and submitted it to H.M. King Chulalongkorn. The group consisted of H.R.H. Prince Nares Varariddhi, H.R.H. Krom Muen Phitthayalap Phruethithada, H.R.H. Prince Svastivatana Visishta, His Highness Prince Pritsadang, Mr. Nokkaew Gajaseni, Luang Det, Mr. But Penkun, Khun Patiphan Phichit, Luang Viset Sali, Mr. Plian, and Sub lieutenant Sa-at.⁷⁶ The letter recommended that H.M. King Chulalongkorn implement political reform by establishing a *constitutional monarchy* and entrusting national administration to a “*cabinet*”, or Council of Ministers. A summary of the suggestions made in the letter is as follows:

1. Absolute monarchy, a form of administration in which the king exercises absolute power, should be replaced with a constitutional monarchy;
2. Decisions on national security, protection and development should be made by high-standing government officials in the cabinet. These officials should lay down rules and regulations for departments and divisions having responsibility for state affairs and should be empowered to perform any acts in accordance with the rules, without royal permission;
3. All forms of corruption should be prevented and government officials should be paid a salary which is appropriate to their status;
4. All people should have equal opportunity in the pursuit of happiness and be treated the same under the law. The collection of taxes should be fair for both Siamese people and foreigners;
5. Old customs, traditions and laws which were no longer appropriate to current conditions or which were a hindrance to national development should be changed in order to avoid blame by Europeans;
6. The people and government officials should have the right to liberty and freedom of expression in public or through newspapers; and
7. Government officials should be competent, well-behaved and of a suitable age.⁷⁷

H.M. King Chulalongkorn’s response to the group asking for political reform in 1885 clearly illustrates the status of the monarchy in that period. H.M. King Chulalongkorn’s intention was to develop a more stable public administration and carry out reform when suitable opportunities arose. His Majesty was aware of the power transitions occurring in European countries and was open to new political systems. Since H.M. King Chulalongkorn had ascended the throne, His Majesty had done his utmost to perform his royal duties without any support from members of the royal family or the nobility and had always accommodated the opinions of others. In regard to the decentralization of executive and legislative powers as is done in other countries, these powers were previously under the authority of the Regent. However, the enactment of laws was of little interest to most people so H.M. King Chulalongkorn established the “Council of State” to enact laws and deliberate legal issues, and assist the king in the administration of state affairs. The enacting of laws did not receive the support that it should have because there were many state affairs and problems that had to be addressed during his reign. Therefore, the council was not successful in enacting laws at that time.

The royal prerogative of H.M. King Chulalongkorn as head of the government meant that His Majesty had responsibility for all affairs, large and small, in every ministry. Obviously, this is not possible in practice so in order to solve the problem the government had to be reformed. Government officials were instructed to meet and discuss together before deciding on any action. In addition, a legislation committee was appointed who would examine actions and determine if there was any conflict with relevant laws or with public administration.

The ministers played an important role in national development as well. When France forbade Siam from sending weapons to China, Chao Phraya Phanuwong translated France's announcement and published it in the Government Gazette so that merchants were informed of this matter. Moreover, Chao Phraya Phanuwong added *"Rice is the only major export product of our country; it is not a banned weapon."* This clarification helped people to understand that exporting rice to China was not prohibited by the French announcement. However, some ministers rarely performed their duties in state affairs. Some attended meetings but did not give their opinions; some did not attend meetings at all. These problems led to the king to making adjustments to meeting organization and also to overall reform of administration.⁷⁸

In his response, H.M. King Chulalongkorn also said that His Majesty was not rushing political reform and was looking for a model appropriate to Siam. H.M. King Chulalongkorn allowed H.R.H. Prince Devawongse Varopakarn to attend the fiftieth anniversary celebration of Queen Victoria's accession to the throne. He was also assigned to conduct official visits to England, USA and Japan in order to study the public administration of these countries to find an appropriate model that could be applied to the Siamese political system.

In 1887, H.M. King Chulalongkorn expressed his opinion many times that a law stipulating the boundaries of the king's authority should be enacted in the same way as in many European countries. His Majesty explained how the administration of the state could be developed by setting up a new political system and pointed out the deficiencies in ministries, ministerial bureaus and departments. Further, His Majesty established twelve government agencies: Department of Interior, Department of Defence, Department of Foreign Affairs (Krom Tha), Department of the Royal Household, Department of Metropolitan Affairs, Department of Agriculture, Department of Finance, Department of Justice, Department of Army (Krom Yutthanathikan), Department of Public Instruction and Sangha religious affairs, (Krom Phra Thammakan), Department of Public Works, and Department of the Royal Secretariat. H.M. King Chulalongkorn appointed a minister for each department and also changed the existing legislative and public administration systems. As he mentions:

"...The meeting of counselors to enact laws consisted of two groups, namely the Ministerial Group and the Judicial Group. The Ministerial Group was composed of government officials of various levels, such as Chief Official. The Judicial Group was composed of civil judges. After the two groups met and consulted together, laws were approved by the king and at that point the new law came into effect. If the king commanded a member of the royal family to be the chairman of the consultation meeting, that person signed the front section of the documents of each of these two groups. However, there was no tradition that the two groups and the chairman met to consult together.

Later, the Council of State and the Privy Council were established. The powers and duties of both councils were stated in the Act. These two councils achieved much at that time. However, public administration has now changed; for example the appointment of ministers, so the Act on the Council of State and the Privy Council have been amended in order to be more appropriate to the standards that have been developed."

H.M. King Chulalongkorn's initiative led to a new era of public administration with the appointment of the twelve ministers for the twelve departments and the separation of the Council of State which was established in 1874.

Later, H.M. King Chulalongkorn remodeled the Council of State to be in the form of a "Council of Ministers". In this new council, ministers carried out their public administration duties by discussing and consulting with each other. The Legislative Council was responsible for laws and trial of disputes. After H.M. King Chulalongkorn explained how public administration was to be improved and developed, he drafted the *Royal Decree on the Royal Tradition of Siam concerning the Royal Succession and National Administration* as well as five *Royal Decrees on the Royal Tradition of Siam concerning the Establishment of Three Councils*. The new Council of Ministers met to discuss public administration. The Legislative Council was composed of those persons authorized and responsible for drafting and enacting laws. Using their legislative power, the Legislative Council later promulgated an act abolishing the Council of State in 1874 and took over its duties.⁷⁹ It assigned the Privy Council to act as advisor to the king. Making decisions and arranging meetings of the three councils had to be in accordance with the meeting procedures of the Legislative Council, Privy Council and Council of Ministers (1892).⁸⁰



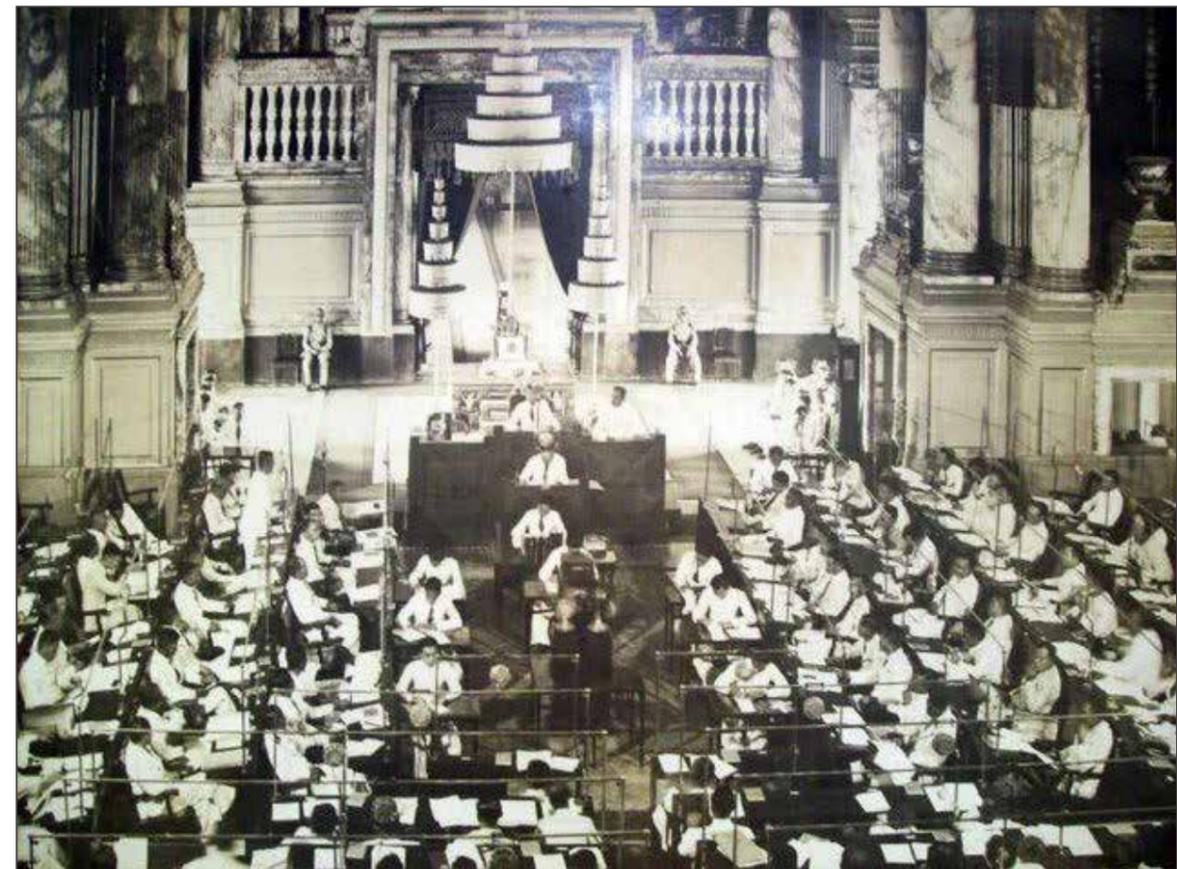
The Council of Ministers

After H.M. King Chulalongkorn explained his opinions to the group of people asking for political reform in 1885, His Majesty commenced implementing his political reform policy. In 1888, His Majesty established ten departments and tried out the “Council of Ministers” in that year with H.M. King Chulalongkorn as chairman of the council for a period. The powers and duties of the Council of Ministers had the characteristics of executive power. It was headed by H.R.H. Krom Luang Devawongse Varopakarn who prepared draft decrees relating to meeting procedures for the Council of Ministers which then divided up work among employees and categorized government officials into ministries or departments.

The Royal Decree on the Council of Ministers had seventy sections. One of the sections stipulated that there be the following ministers: (1) Minister of Interior governing the cities in the north; (2) Minister of Defence governing the cities in the south; (3) Minister of Foreign Affairs or Krom Tha (4) Minister of Metropolitan Affairs (5) Minister of the Royal Household (6) Minister of Finance (7) Minister of Agriculture (8) Minister of Justice (9) Minister of Army (10) Minister of Public Instruction and Sangha (religious affairs) (11) Minister of Public Works (12) Minister of the Royal Secretariat. These ministers carried out *“official affairs which fell under the responsibility of two or more ministries. If ministers could not unite to perform these duties, the duties were submitted in a meeting of ministers for the king’s consideration...”*

The draft decree also laid down rules on meeting procedures. These procedures did not incorporate social hierarchy, which meant that everybody in the council was equal. The position of chairman was rotated among the council members and the chairman was selected for each meeting by members. These meeting procedures were similar to those of other countries. The resolution of the Council of Ministers was approved by a majority vote. If the vote was equal, the chairman had the deciding vote. The appointment or dismissal of officials in ministries, serving in a position of deputy chief or above, had to be approved by the king. The appointment or dismissal of officials serving in a position lower than deputy chief was under the authority of chief ministers. Minutes were taken at every meeting of the Council of Ministers.⁸¹

The meeting of the Council of Ministers was held at night about 8 p.m. or 9 p.m. Sometimes the meeting lasted many hours and sometimes was held every day. If the meeting took place in front of the throne hall, the quorum was fixed by the king. If the king did not join the meeting, the quorum had to be more than eight ministers, including the chairman. At the first meeting, when H.M. King Chulalongkorn was not the chairman, His Majesty read the minutes and gave an order to perform any acts. There was, consequently, some trouble in the council because no member wanted to be the chairman. H.R.H. Krom Luang Devawongse Varopakarn was of the opinion that if H.M. King Chulalongkorn was the chairman regularly, His Majesty would



have no chance to express his opinions because His Majesty had to make a decision. The ministers suggested drawing lots for two ministers at each meeting and then choose one of them to be the chairman.

The minutes of meetings of the Council of Ministers recorded how some problems in the council were resolved, for example, the problem of leaving the meeting early. Some members considered it wrong to leave the meeting early, even if reasons were given, and that a fine should be imposed on any member that did so. The Council of Ministers decided to have a secret vote on the issue and the majority (7-2) voted to impose fines on any member who left the meeting early. Similarly, any member who was late for the meeting had to pay a fine. The rule stipulated that being late by 1-5 minutes for a meeting,

incurred a fine of two salueng and if late by 6-10 minutes, a fine of one baht. The maximum fine that could be imposed was set at twenty baht. For being absent from a meeting without prior notification a fine was also imposed. The amounts received from fines were used as common funds or given to attendants.

Starting in 1892, meetings of the Council of Ministers occurred very frequently, almost every day. In the daytime, the ministers carried out administrative duties at their ministry. In the nighttime, they attended meetings of the Council of Ministers; especially during the period when the country faced the threat of colonization by Western countries.⁸² The Council of Ministers played an important role in tackling this national crisis.

The Privy Council

On 19th September, 1892, H.M. King Chulalongkorn appointed the Privy Council as his advisors. In the beginning, the Privy Council had twelve councilors but later another four councilors were added. The function of the Privy Council was to consider matters that His Majesty forwarded to them as well as to make final decisions. This duty was carried out to bring “*honor, justice, righteousness, truth and benefit to the nation and the people*”.

The number of Privy Councilors was not fixed. H.M. King Chulalongkorn chose persons who were knowledgeable and possessing the “four idhipada” (bases for success). In Buddhism, these are the characteristics required to succeed in any endeavor. They are: interest, diligence, attention and investigation. The Privy Council performed two functions. The first was to meet, discuss and decide on matters of state administration. Some meetings required more than ten Privy Councilors to be present, others required more than three Privy Councilors to be present. The second function was to investigate matters, on the request of the king, and determine the facts of the matter. H.M. King Chulalongkorn was often the chairman of Privy Council meetings. If the king did not attend the meeting, the chairman was selected from among the Privy Councilors. Decisions were made based on majority vote. Privy Councilors had to take a vow to carry out their duties to the best of their ability, to work for the benefit of the people, to keep classified information secret and not to take any bribes.⁸³



“honor, justice, righteousness, truth and benefit to the nation and the people”

The Legislative Council

Starting in 1888, H.M. King Chulalongkorn tried to use “the cabinet system”, namely “the Council of Ministers” in national administration. Later, in 1892, the *Act on the Council of Ministers* was promulgated and regular meetings of the council were convened until 1894. This helped develop national administration during the period of Western colonization in the region. H.M. King Chulalongkorn did not ignore the problem of legislation. In his speech to the group of people requesting political reform, His Majesty mentioned that “the Legislative Council” was the Council of State.



Rolin Jacquemyns

In 1892, after the passing away of Mr. Henry Alabaster, a British advisor on international law, the government hired Mr. Rolin Jacquemyns. He was competent in international law and was selected to be the president of the Association of International Law of Belgium and used to be a minister in the Ministry of Interior and Ministry of Public Works in Belgium. As Siam was facing the threat of European imperialism in Southeast Asia, the government thought that if a British advisor was appointed, France might object; and if a French advisor was appointed, England might object. Therefore, the appointment of a Belgian advisor, was more appropriate.⁸⁴

In 1894, H.M. King Chulalongkorn established “the Legislative Council” under the advice of Mr. Rolin Jacquemyns. The Legislative Council was established to provide legal advice which was the remaining function of the Council of State.

In a letter submitted by Mr. Rolin Jacquemyns to H.M. King Chulalongkorn, Mr. Jacquemyns proposed that a new political system drawn from Western countries could not be used because Siam had its own ancient political tradition. However, he suggested improving the system of political management by having government officials perform their duties according to the needs of the current national situation. Mr. Rolin Jacquemyns drafted the proclamation on the establishment of the “Legislative Council”, the “*Draft of the Act on the Establishment of the Legislative Council*”, which took the place of the Council of State.⁸⁵ H.M. King Chulalongkorn considered that the *Draft of the Act on the Establishment of the Legislative Council* was more powerful than the Act on “the Council of State” because the latter just encouraged people to express their opinions rather than give them power to take action.

During that period, His Majesty thought that nobody dared to give opinions so H.M. King Chulalongkorn agreed to amend the *Act on the Council of State* but that a study should be conducted to determine the differences between the two Acts. H.M. King Chulalongkorn ordered H.R.H. Krom Luang Devawongse Varopakarn and Mr. Rolin Jacquemyns to review the amendment of the law before submitting it to the Council of Ministers. The resolution of the Council of Ministers was submitted to H.M. King Chulalongkorn for further consideration. H.R.H. Krom Luang Devawongse Varopakarn was assigned to translate the amendment of the Act into the Siamese language. After the amendment, the *Act on Ministers R.E. 113 (1894)* was promulgated on 10th January, 1894. The main point of the act was that the Legislative Council had the responsibility to provide legal advice on public administration and to enact laws and regulations as seen appropriate for public order.

The final part of the *Act on Ministers R.E. 113 (1894)*, states that the *Act on the Council of State* which was enacted in 1874 is revoked and replaced by the *Act on the Legislative Council* but this has no effect on any action already taken by the Council of State.⁸⁶

The duties of the Legislative Council included advising on interpretation of traditions and laws; drafting, abolishing, amending and restating laws; reviewing contracts with international countries and enforcing laws and working together with the Privy Council to act as “Sanrapsang” to review petitions in the name of the king.

The establishment of the Legislative Council was one more step in the development of laws because the procedures of the Legislative Council’s meetings were conducted according to the *Royal Decree on the*

Legislative Council and were similar to the procedures used in meetings of the Council of Ministers. Some members participated in the proceedings of both councils so meetings of both councils could not be held at the same time. Issues of the Legislative Council were always raised at meetings of the Council of Ministers which resulted in an overlap of duties and by the end of the reign of H.M. King Chulalongkorn, the Legislative Council no longer performed any function.⁸⁷ As of 1907, minutes of Legislative Council meetings no longer appeared in the Government Gazette so it appears that the Legislative Council no longer met.⁸⁸ Nevertheless, the important role of the Legislative Council was to perform as a “Sanrapsang” which was an organization established after the judicial system reform. These Sanrapsang were not under the Ministry of Justice but took

charge of reviewing cases decided by the San Dika, reviewing petitions in the name of the king and deciding cases involving actions of government officials.

The meeting of the Council of Ministers and the Legislative Council were conducted in accordance with the Rule of Assembly prescribed in the *Royal Decree, Vol. 2, on Meeting Procedures of the Council of Ministers, the Privy Council, and the Legislative Council (B.E. 2435 (1892))*.⁸⁹ It was the beginning of the formulation of meeting procedures. The committee members attending the meeting, both members of the royal family and government officials, had the right to express their opinions freely. This brought about increased efficiency in public administration and can also be considered the beginning of the right to freedom of speech and expression in Siamese politics and government administration.

Administrative Case Procedure

Cases adjudicated after 1894 show that some petitions which were filed with the Council of Ministers, the Legislative Council, or Sanrapsang were adjudicated by King Chulalongkorn. After the judicial reform, the adjudication of disputes became the responsibility of the Ministry of Justice. However, the courts could not adjudicate cases involving a dispute between people and government agencies, acts performed by officials or ministers, or relating to politics and governance. According to tradition though, people could file a petition against acts performed by an official or minister. For example, Khun Chenkrabuanhat was alleged by Muen Nithansarakit to have arrested the son of an army captain and forced him to be a soldier.⁹⁰ In another case, a governor was alleged by Mr. Net, the son of Luang Phakdisombat, to have connived with ministers - Khun Ratchasamli, Khun Simongkhon and Khun Kaew - to commit fraud relating to farm taxes from Nakhon Si Thammarat, Chaiya and Lang Suan districts.⁹¹ In such cases, H.M. King Chulalongkorn might forward such disputes to the Council of Ministers to investigate and then have them return their opinion to him for further orders.

Another example is the case of Mr. George Allen who requested to return to government service after he had resigned. The Council of Ministers was charged with investigating the details of the case and submitting their recommendation to H.M. King Chulalongkorn for a final decision. In particularly important cases, King Chulalongkorn would not call on the “Sanrapsang” or advisory council; instead he used the royal prerogative to enact a law establishing a special court for adjudicating disputes having an impact on the country’s status. A Special Sanrapsang was established to try a case involving Siamese

people who were accused of committing an offence at Thung Chiang Kham and Kaeng Chek, Mueang Kham Muan. This case, “the case of Phra Yod Mueang Khwang”, was adjudicated under special procedures because it had the potential to impact on international relations. The case resulted from a dispute between Siamese border officials and French colonial border officials which could have led to an international incident and H.M. King Chulalongkorn realized the potential for this problem to escalate. The Siamese government thought that it should establish a court having power to adjudicate disputes filed by foreigners so as to uphold justice for both Siamese people and foreigners. They also thought of inviting the American consul in Shanghai, the Dutch consul in Singapore or consuls from other countries to be judges. However, because of an armistice agreement between Siam and France, Mr. Pavie, the French ambassador to Siam, disagreed. According to the existing agreement, such disputes were under the competence of the Siamese court but the Siamese government was of the opinion that a foreign consul should make the final decision so that France would not retry the case.⁹² In the end, the Siamese government had to establish a Special Sanrapsang to try the case, even though they realized that its judgment would later be appealed against.

On 8th February, 1894, H.M. King Chulalongkorn established a Special Sanrapsang to have competence to try the case and appointed H.R.H. Krom Luang Phichit Prichakon as chairman of the trial chamber. Luang Sunthonkosa and Mr. Hatbamroe Humphrae were appointed as counsel to the Siamese people who were defendants in the case. The background of this case was that Phra Yod Mueang Khwang, governor of Mueang Kham Keut Kham Muan, was accused of killing or

ordering other people to kill a French soldier, namely Mr. Groscurin. Moreover, he was also accused of committing offences which could have led to war between Siam and France. Once the verdict was decided, the court was asked to impose penalties according to Royal Criminal Law which included penalties such as flogging, tattooing, imprisonment and the death penalty.

The trial of the case of Phra Yod Mueang Khwang started on 24th February, 1894. He had been governor of Mueang Kham Keut Kham Muan, a province adjacent to French territory, for eight years. The dispute was about the killing of Mr. Groscurin and 13 French people. Counsels for Phra Yod Mueang Khwang were Mr. William Alfred Tilleke, a SriLankan barrister who was later bestowed the title of Phra Atthakan Prasit; Mr. Vernon Page, an English barrister; Mr. Mee (Mee Thammachiwa), Barrister-at-Law; and Mr. Ket, Barrister-at-Law. The counsels defended Phra Yod Mueang Khwang, by stating to the Special Sanrapsang that his action was lawful and complied with his commander’s order. The written evidence showed that while the military camp was being encircled by French soldiers, Phra Yod Mueang Khwang received an order to hold the town until he received orders from his superior officer or until an agreement was made between the French and Siamese governments.⁹³ Later, a skirmish occurred in which Siamese and French soldiers were killed.

After the court questioned the plaintiff, the defendant and witnesses from both parties, it compared their testimonies and acquitted the defendant of all charges.⁹⁴ An order was therefore given and Phra Yod Mueang Khwang was released on 17th March, 1894.

As expected, France refused to accept the court's decision and forced Siam to establish a Franco-Siamese Court to consider an appeal against the decision of the Special Sanrapsang. Even more disturbing to the Siamese government was the fact that the Appellate Court was to be comprised of three French judges and only two Siamese judges. H.M. King Chulalongkorn said *"...I don't see how this can end except in the beheading of Phra Yod Mueang Khwang..."* His Majesty also realized that if Phra Yod Mueang Khwang was punished, it would discourage Siamese government officials from performing their duties for the king. His remark on this matter was:

*"...If Phra Yod Mueang Khwang is found guilty, our officials will be discouraged and will not want to work in government service or as we say "Do good but not receive good". Then protecting our country will be even more difficult as commanders will not be able to give final orders. They will hesitate and waver ..."*⁹⁵

Phra Yod Mueang Khwang was sentenced to twenty years in prison. Later, however, H.M. King Chulalongkorn ordered the release of Phra Yod Mueang Khwang after he had spent four years four months and twenty-four days in jail.⁹⁶

The adjudication model for this Special Sanrapsang involved the appointment of a lawyer which meant that its procedure was similar to that of other courts. The judgment delivered by

the Special Sanrapsang was final and it was not required that the judgment be approved by the king. It was held that the procedure of the Special Sanrapsang could ensure justice for Siamese government officials, even though these judgments might later be interfered with because of international political situations.

It could be said that the adjudication of cases at that time which were generally seen as "administrative cases" was at the king's discretion. Although the commission was appointed by the king to examine allegations and its meeting procedures were well-arranged, the opinions of the Council of Ministers or of the Legislative Council eventually had to be approved by the king. This was similar to the procedure of the Council of State which did not have the power to make a final decision, but had to forward their opinions to the king for final judgment.

Reform of the Siamese Legal System

According to an agreement made between Siam and France in 1904, during the reign of H.M. King Chulalongkorn, Siam was compelled to employ a French person to serve as a high-standing government official. Therefore, Mr. Georges Padoux was hired as conseiller législatif as suggested by the French government. This was the first time that a position such as conseiller législatif existed in Siam. Formerly, foreigners had been appointed as conseiller général du gouvernement or conseiller légiste.⁹⁷ France forcing Siam to appoint Mr. Padoux as conseiller législatif can be considered an important first step in the drafting of laws in Siam as it marks the beginning of having officials specifically dedicated to the drafting of laws. Prior to that time, government officials responsible for other duties were appointed to draft laws. H.M. King Chulalongkorn permitted the employment of many foreign legal advisors to work for the Siamese government, for example Mr. Rolin Jacquemyns and Mr. Richard Kirkpatrick, lawyers from Belgium, and Mr. Tokichi Masao, a lawyer from Japan.

H.M. King Chulalongkorn wished to free Siam from extraterritorial rights treaties of other countries so His Majesty set guidelines for Siam to establish an independent judiciary. His Majesty also abolished consular courts of other countries. His Majesty saw that Japan, which had been forced to make extraterritorial rights treaties with Western countries, was able to free itself by modeling its legal system on that of Western countries.



H.M. King Vajiravudh (Rama VI)

The Western countries with which Siam signed extraterritorial rights treaties used a civil law system but England had the most political, cultural and legal influence over Siam during that time and it used a common law system. Siamese courts adopted many principles of English law and leading Siamese lawyers of the time were trained in England. Very important among these lawyers was H.R.H. Krom Luang Ratchaburi Direkrit, the Minister of Justice. He advised H.M. King Chulalongkorn to reform the Siamese legal system according to the common law system of England. However, H.M. King Chulalongkorn thought that existing Siamese laws tended to be similar to those in countries that used the civil law system so he decided to initiate the reform along the lines of the civil law system. In 1907, H.M. King Chulalongkorn established a committee to review and draft the new Criminal Code and appointed H.R.H. Krom Luang Ratchaburi Direkrit as chairman of the committee.

H.R.H. Krom Luang Ratchaburi Direkrit was not pleased by the fact that H.M. King Chulalongkorn had decided to use the civil law system rather than the common law system. Therefore, H.R.H. Krom Luang Ratchaburi Direkrit did not involve himself in the drafting of the new code.⁹⁸

In 1908, H.M. King Chulalongkorn established a committee to draft the *Civil and Commercial Code* and the *Act on Adjudicating Punishable Offences R.E. 115 (1896)*. To assist in this drafting process, the Siamese government employed three French lawyers - Mr. Moncharville, principal of the Egyptian School of Law; Professor Rivière; and Mr. René Guyon. Mr. Masao was the senior legal advisor and the three French lawyers worked as assistant legal advisors under the supervision of Mr. Masao. However, this committee made

no progress because of disagreements among them so H.M. King Chulalongkorn established another committee chaired by H.R.H. Krom Luang Ratchaburi Direkrit to draft procedural law until the code was promulgated.⁹⁹

In 1908, the *Penal Code of Siam R.E. 127 (1908)*, the *Constitution of Courts of Justice R.E. 127*, and the *Civil Procedure Code R.E. 127* were promulgated. Even though the Ministry of Justice was established and new court procedures were developed, international negotiations were still not successful so these laws were modified again to make them acceptable to foreigners.

H.M. King Vajiravudh continued H.M. King Chulalongkorn's policy of speeding up the drafting of codes. The law drafting committee under the supervision of Mr. René Guyon and Mr. Pichan Bulayong, was assigned to prepare draft codes and submit them to the Legislative Drafting Commission for review and amendment. In 1916, H.M. King Vajiravudh appointed more Siamese committee members and in 1919 Phraya Manawatsewi (Plot Wichian Na Songkhla) was named as secretary of the Legislative Drafting Commission.

In the beginning, the Office of the Legislative Drafting Commission was in a building near Wat Mahathat, Sanam Luang. Later, it was moved to the Ministry of Justice at Tha Chang Wangna Pier. It has since been demolished but was in the location where the National Theatre now stands. In 1919, a building formerly belonging to a German merchant was expropriated as property of a prisoner of war in accordance with agreements made after the First World War and the Office of the Legislative Drafting Commission was moved to this building. Presently, it is the building of the Office of the Council of State.¹⁰⁰



The Siamese Expeditionary Force with the tricolor flag of Siam in Paris, 1919.
Source: https://en.wikipedia.org/wiki/Royal_Thai_Armed_Forces

Even though legal advisors were appointed at that time, there was still no organization specifically responsible for drafting laws. In addition, there were many legislative drafting committees in the reign of H.M. King Vajiravudh and the number of members in each committee was continually increasing. This resulted in poor communication between them because each committee had different working

rules. In 1922, the French government suggested that if a Legislative Drafting Department was established, it would abolish its extraterritorial rights treaty. In response, H.M. King Vajiravudh established a Legislative Drafting Commission on 27th October, 1923 and later upgraded it to a department within the Ministry of Justice. In addition to reviewing laws, the Legislative Drafting Department was responsible for

drafting laws that followed correct procedure. Also, all ministries and departments in the government were required to present draft laws to the Legislative Drafting Department for review and amendment before submitting them to the king.

H.M. King Vajiravudh appointed Chao Phraya Aphairacha Maha Yuttithamthon (M.R. Lop Suthat), Minister of Justice, as head of the Legislative Drafting Committee within the department; Mr. René Guyon was appointed as legal advisor; and the committee members were Phraya Noranetibanchakit (Lad Sethabutr), Phraya Chindaphirom (Chit Na Songkhla), Phraya Thepwithuraphahonsuratabodi (Boonchuay Vanikkul), Phraya Manawatsewi, Mr. Charles L'Évêque, Mr. Rémy de Planterose, and Mr. René Cazeau. During that time, the French lawyers were charged with drafting laws and advising state agencies. This was the first time that Siam had an organization responsible for drafting laws that would follow the same principles and procedures used in England and France. After establishing the Legislative Drafting Department in 1923, Books 1 and 2 of the Civil and Commercial Code were drafted and came into force in 1925. Book 3 followed in 1929. Foreign countries agreed that consular court jurisdiction and power to withdraw cases involving foreigners would be revoked in five years on condition that Siam had established a complete legal code by then as this would indicate that Siam was a civilized country. Siam increased the pace of drafting laws so that it could gain such independence of its judiciary.¹⁰¹

In 1926, H.M. King Prajadhipok (Rama VII) gave a royal command to appoint the Minister of Justice as chairman of the Legislative Drafting Department. A vice chairman also appointed as the Minister of Justice had many duties. In the same year, regulations were set to make laws more stable and clear. New laws were submitted to the Council of Ministers or the Supreme Council of State for approval; laws to be amended required consultation with the relevant minister before being submitted to the Legislative Drafting Department. After the revolution of 1932, the Legislative Drafting Department within the Ministry of Justice was transferred to the Office of the Prime Minister so as to expedite the enactment of laws.

Siam's effort in drafting laws and making the changes mentioned were conditions set in negotiations for the independence of the judiciary. Finally, in 1939, Siam was the last country to gain independence of its judiciary from France and became accepted by the international community as having a categorized legal system which rendered justice to the Thai people.¹⁰²



H.M. King Vajiravudh (Rama VI)



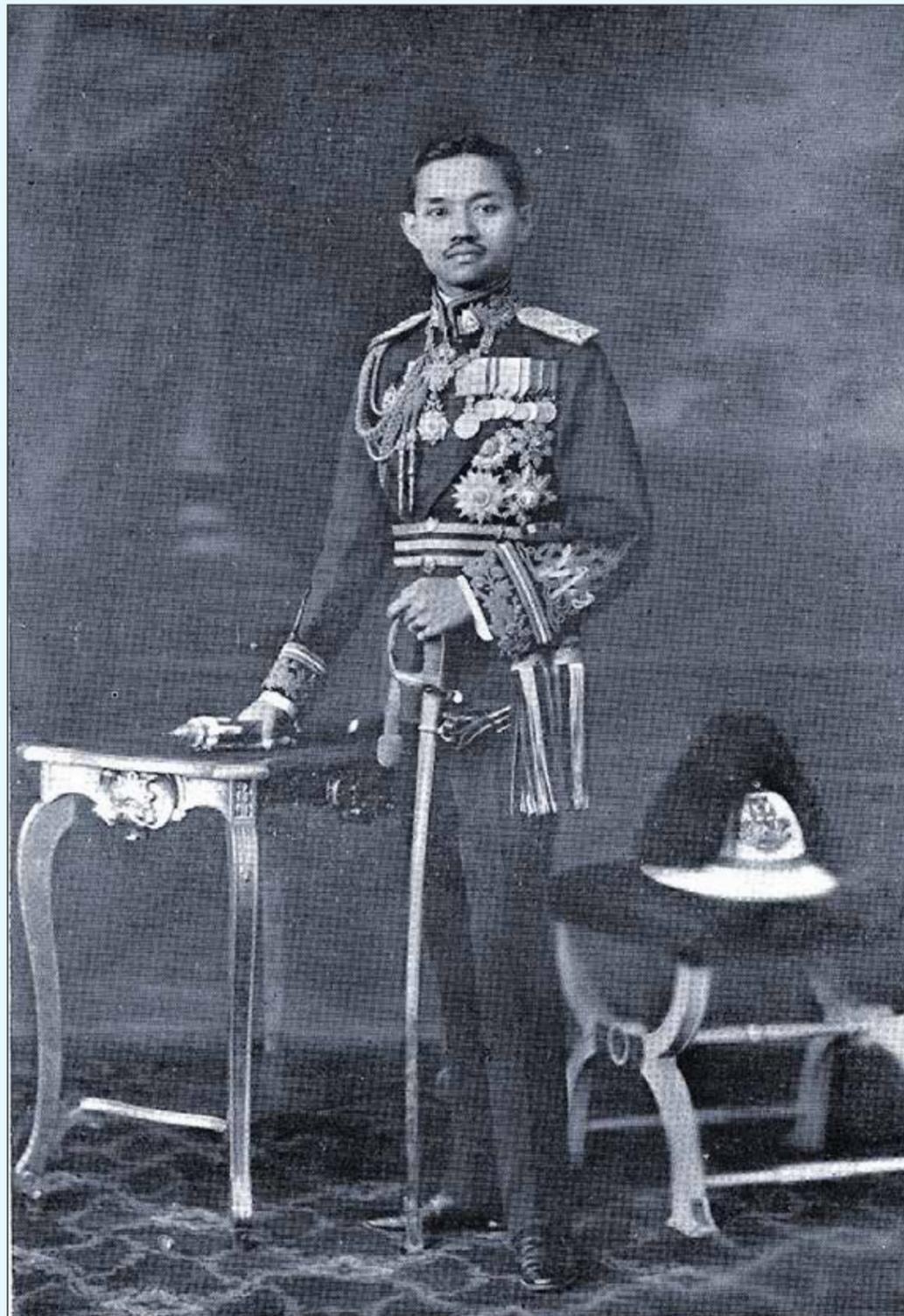


Democracy Monument. Bangkok, Thailand.
Photo by Marcin Konsek / Wikimedia Commons / CC BY-SA 4.0

Era

2

**The 2nd Era in
the Establishment of
an Administrative
Adjudication Body**



H.M. King Prajadhipok (Rama VII)

Establishment of Thai Administrative Jurisdiction through Political Vicissitude

At the time of the First World War, a major worldwide economic depression occurred that affected the economy of Siam. At the same time there was an effort to enhance the judicial and legal systems of Siam to be more in accord with international standards and be accepted by developed countries so as to terminate Siam's need to make extraterritoriality agreements. Many Siamese students who graduated from foreign countries entered government service during the reign of H.M. King Prajadhipok and knowledge and understanding about international laws, administration and politics became widely accepted in Siamese society. This increased awareness among Siamese people of the legal and political concepts of foreign countries was instrumental to the changes in political rule that occurred in 1932.

During this period of change to a system of democratic government with the King as Head of State, the establishment of an organization that monitored the use of power by the executive branch, or the "Administrative Court", was raised for discussion once again. It was thought that it would be necessary to have an organization that checked on the use of state power by state officials. However, it was a very long time - sixty-nine years - before the Administrative Court was accepted and inaugurated.



H.M. King Prajadhipok (Rama VII) signing the Permanent Constitution of Siam on 10th December, 1932

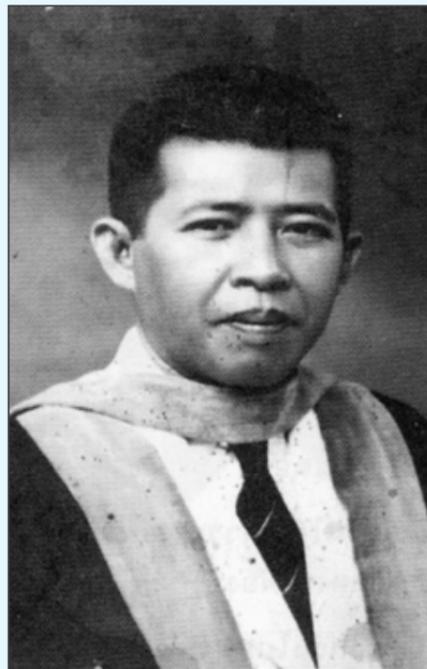
Source: "The Coronation of His Majesty King Prajadhipok, King of Siam." (1925, 25th February - 3rd March). *The Government Gazette, Special Issue.*

Laying the Foundation of Administrative Law in Thailand

The Civil and Commercial Code promulgated in 1925 was greatly influenced by the theory and form of laws in Western countries. However, administrative law was not taught or studied in Siam until just before the change from absolute monarchy to constitutional democracy with the King as Head of State. In 1931, the subject of administrative law was first taught by Mr. Pridi Banomyong who introduced the subject in the Barrister-at-Law curriculum of the School of Law.

In 1919, when he was just nineteen years of age, Mr. Pridi Banomyong qualified as a barrister-at-law. A year later, he was awarded a scholarship by the Ministry of Justice to further his study of law in France. He was a prodigiously bright student graduating with first-class honors (*mention très bien*) and he was the first Siamese to obtain a “*Doctorat d’Etat*” and “*Diplôme d’Etudes Supérieures d’Economie Politique*”. When he returned to Siam in 1927, he entered government service as a judge and in October of that year he was given the position of Undersecretary in the Legislative Drafting Department. Later, in 1928 he was granted a non-hereditary title and the name *Luang Pradit Manudham* and in the next year a more elevated non-hereditary title.¹⁰³

In addition to his work at the Legislative Drafting Department, he lectured at the School of Law of the Ministry of Justice. He was the first lecturer to introduce administrative law to Siam. At that time, administrative law was considered a new subject so he acquired a widely-recognized reputation as a lecturer in administrative law. Because the subject was a part of public law, which explained the principle of division of sovereign power as a central tenet to administration in the democratic system, he provided legal explanations on administrative law right from the time he commenced lecturing on this subject in the School of Law. He explained the concept which he called “*Human Rights and Liberties*” and classified these into three categories: liberty, equality and fraternity. Furthermore, this explanation



Dr. Pridi Banomyong



H.M. King Prajadhipok (Rama VII), at his coronation

Source: The Portraits of Their Majesties, Members of the Royal Household and High-Ranking Public Officers of the present Siam

laid down the principles for such matters as local administration regulations, administrative procedure and administrative cases.¹⁰⁴ Of particular importance was “Administrative Law - Part 4” which explained about administrative complaints. The teachings of Pridi Banomyong laid the foundations for the study of administrative law in Thailand.

After the change in political rule in 1932, administrative powers were transferred to the democratic regime and government agencies were reorganized according to the Constitution. Administrative law has been continuously taught from that time up to the present and has become a course in the curricula for bachelor’s degree programs and a required subject in law programs.

The change in Thailand’s political rule in 1932 was led by the “Khana-Rassadorn”, or People’s Party. During that time Luang Pradit Manudham played a crucial role in laying the foundations of administrative law in Thailand and the establishment of the Administrative Court.

Administrative Adjudication Body in form of a Council

After having changed political rule, the government led by Luang Pradit Manudham intended to establish an organization similar to “the French Council of State” (Conseil d’Etat) and organizations in other European countries with civil law systems such as Belgium, The Netherlands, Luxemburg, Italy, and Greece. The organization he had in mind would be in charge of the trial and adjudication of “administrative cases” or disputes between an administrative agency and the private sector. The “Council of State” in European countries exercised two principle powers: state counselor to the executive branch and Administrative Court in charge of the trial and adjudication of disputes between an administrative agency and a private individual. This notion was presented in a report to a meeting of the House of Representatives, no. 39/1933 (extraordinary) dated 6th December, 1933.

“...Luang Pradit Manudham stated that the issue of the Council of State had been suspended since the government was set up after drafting the Constitution. It was said that we would upgrade the status of the Legislative Drafting Department to be the Administrative Court the same as has been done in many countries. We would like to raise this notion again at this time and set up a committee responsible for drafting laws and trying and adjudicating

administrative cases. This brings up the problem of clarifying what exactly an “administrative case” is. No laws have been laid down yet. We have only set up the form of it saying that when the law stipulates that it is an administrative case the Council of State would be responsible for it. In the case where there were no relevant laws, the Council of State has to be in charge of the legal requirements. The administrative side can be taken care of after a law has been enacted. The name “Council of State” was used because in the Treaty of Friendship the authority of courts was prescribed. If we had used the name “Administrative Court”, it might have left an opening for them (the French) to become involved. In actual fact though, even if we called it a court they wouldn’t be able to involve themselves in it but we called it “Council of State” just to avoid the possibility of their raising an objection. We used this method because our intention was to enable the people to truly receive justice. In a case where an administrative order was wrong, the people would be able to submit a petition to the Council of State. In Japan, England and Germany; they don’t have to fear anybody. If something is wrong, they say it is wrong. In addition, details are specified as to what types of committee members there should be and what qualifications they needed to have?”¹⁰⁵

In 1932, the draft of an *Act on Submitting Petitions* was proposed to the government but it was put aside temporarily as it concerned the Council of State or the Administrative Court which would be established. Nevertheless, it was a policy of the government to encourage the establishment of an organization responsible for resolving administrative disputes so that the people had a channel for filing petitions against unlawful administrative orders. However, the political situation at that time made it inappropriate to explicitly refer to such an organization as a “court” because of clauses in treaty agreements relating to the withdrawal of cases from Thai courts. There was concern that foreign powers might use the establishment of a new court as an excuse to interfere with Thai administration so it was called the “Council of State”.¹⁰⁶ It was formally established by the *Council of State Act, B.E. 2476 (1933)* and its powers and responsibilities were the same as the *Conseil d’Etat* in France and similar to the Council of State that existed during the reign of H.M. King Chulalongkorn. The Council of State was considered a department under the Prime Minister’s Office and the work of the Legislative Drafting Department was transferred to the newly-established Council of State.

Establishment of the Council of State

The Council of State was responsible for drafting laws or regulations as directed by the House of Representatives or Cabinet of Ministers, providing legal advice to government bodies, and trying and adjudicating administrative cases that were prescribed by law to be within the competence of the Council of State.¹⁰⁷

According to the *Council of State Act, B.E. 2476 (1933)*, “the Council of State” shall consist of:

1. The Prime Minister, who shall be *ex officio* President of the Council of State;
2. The Councilors of State; and
3. The Secretary-General of the Council of State.

According to the *Council of State Act, B.E. 2476 (1933)*, Councilors are divided into Councilors of State and Law Councilors.

Councilors of State were categorized as either Standing Councilors of State or Extraordinary Councilors of State. Standing Councilors of State were appointed by the king upon the recommendation of the Cabinet of Ministers and with the approval of the House of Representatives. Extraordinary Councilors of State referred to all members of the Cabinet of Ministers. Councilors of State had the same duties as Law Councilors - to draft laws and give legal advice to government bodies and to try and adjudicate administrative cases within the competence of the Council of State as prescribed by law.

Law Councilors drafted laws and gave legal opinions to government bodies.¹⁰⁸

Law Councilors were appointed by the king upon the recommendation of the Cabinet of Ministers and held office for a term of four years. The Prime Minister was *ex officio* President of the Council of State, with the powers and duty to oversee general affairs of the Council of State. The Secretary-General of the Council of State was in charge of overseeing general affairs of the Office of the Council of State. He was directly responsible to the President of the Council of State (Prime Minister).

The Office of the Council of State was in the same building as the Legislative Drafting Department. The office for legislative drafting work was located downstairs and the office for the Administrative Court was located upstairs where the benches of the Price Court were. The Legislative Drafting Department was well known at that time so in the event that it needed to expand, other areas in the south of the building and the rented residences of electricians of the Siam Electricity Co., Ltd. in the north would be used.¹⁰⁹

There was some confusion regarding the duties of the Council of State and “the Secretariat Unit” of the Council of State. The duties of Councilors of State and the Secretary-General of the Council of State are prescribed by the *Council of State Act, B.E. 2476 (1933)*. The “Secretariat Unit” was established by a law relating to reorganization of ministries, ministerial bureaus and departments. The Council of State was under the Office of the Prime Minister. Then the *Act Regulating the Governor’s Council of State under the Office of the Prime Minister, B.E. 2484 (1941)* was enacted and the Council of State became a division. This means that “the Council of State” is a department under the Office of the

Prime Minister. However, afterwards, “the Council of State” and “the Office of the Council of State” were more clearly defined in the *Act on Reorganization of Ministries, Ministerial Bureaus and Departments, B.E. 2495 (1952)*. This meant that the Council of State and the “Office of the Council of State” were clearly separated.

Development of the Council of State as a Dispute Adjudication Body

The Council of State was unable to try and adjudicate administrative cases even though the *Council of State Act, B.E. 2476 (1933)* had entered into force. It could exercise powers of trial and adjudication of administrative cases only when relevant laws prescribed what the administrative case was.¹¹⁰ In practice, law councilors in the Council of State were only in charge of drafting laws and giving legal opinions to the executive branch. However, a legislation authorizing the Council of State to try and adjudicate administrative cases was to be brought up at a later time.

Mr. René Guyon, the French legislative drafting advisor who was authorized by the Council of State to draft a *Law on Powers and Duties of the Council of State* and a *Law on Administrative Court Procedure* pointed out that setting up Administrative Courts of First Instance would require a large budget and that there was still the problem of finding suitable administrative judges. He suggested that an initial solution would be to improve the principles of “administrative appeals” so that court officials could give initial consideration first and the public would be confident that the officials have accepted the case and could move forward from there. If the Minister still does not consent to the orders of the officials, they shall not be final. In the case where the private sector is allowed to directly file a dispute over the court officials’ orders to the court, the Minister may refuse such orders and say that he would not have consented to them when he had received the argument. Essentially, to file a dispute with the Administrative Court, it should use the administrative right to appeal and the Minister shall have to render a final order before filing an administrative case. There were two categories of administrative cases within the jurisdiction of the Administrative Court: administrative cases which were appeals in the case of no reply from any administrative official, and administrative cases in which the powers of the Court of Justice and the Administrative Court were not clearly defined. Administrative cases also included some types of contracts relevant to the policies of the government.¹¹¹

As mentioned above, there was an effort to adopt the principles and concepts of an Administrative Court from foreign countries and apply them to the Thai legal context in such a way so as to conform to the social, economic, political and governmental situations of Thailand. The first draft of the *Act on Administrative Court Procedure* was completed on 10th September, 1935 but it could not be immediately promulgated.

Establishment of the Petition Council

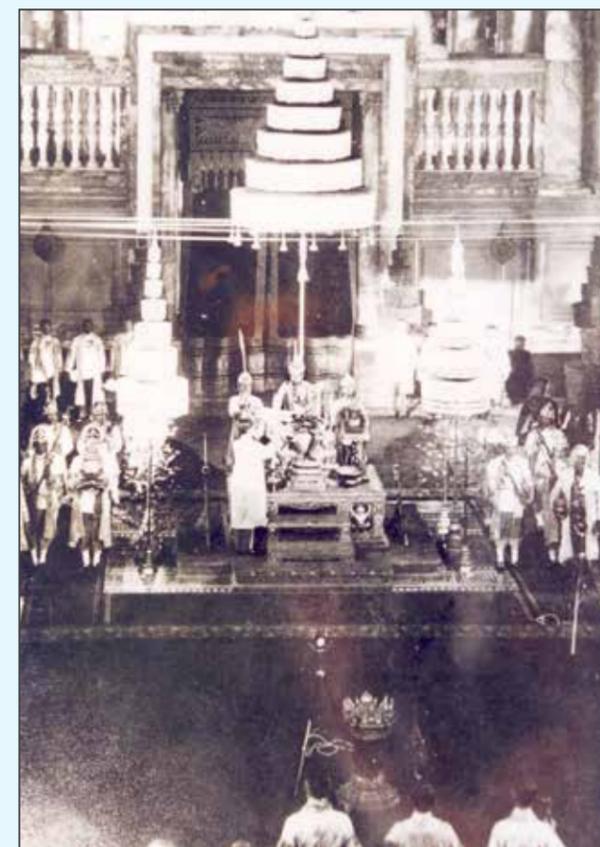
In 1935 the draft *Act on Administrative Court Procedure, B.E. 2478 (1935)* and the draft *Act on the Council of State's Powers for Administrative Cases, B.E. 2478 (1935)* were proposed to the House of Representatives. The government accepted these Acts in principle but decided to wait before promulgating them because there were problems with the Acts that needed to be corrected first.¹¹²

Later, it was decided that the private sector was not receiving sufficient protection against wrongful acts by government officials. So in 1946, Mr. Pramuan Kulamat, a member of the House of Representatives, presented a draft of the *Act on Competence of Trial and Adjudication of an Administrative Case, B.E. 2489 (1946)* and a draft of the *Act on Petition, B.E. 2489 (1946)* but the government at that time only accepted them for consideration. Three years later, the *Petition Act, B.E. 2492 (1949)* was enacted by the government and came into force. By virtue of this Act, the Petition Council was authorized to try and adjudicate administrative cases and the private sector had the right to submit petitions relating to grievance or injury arising from the actions of public officials or municipal officials who exceeded their authority or neglected official duties or performed duties with unreasonable delay, undue exercise of discretion or unfair discrimination.

"The Petition Council" was separate from the Council of State. Its secretariat was under the Office of the Prime Minister's Permanent Secretary. After considering a case, the Petition Council informed the Prime Minister who issued a directive on how to deal with the case.¹¹³ The Prime Minister could issue a directive or not, depending on his discretion. The Council of State did not have the power to consider administrative disputes or try and adjudicate administrative cases. However, the "Petition Council" can be considered as the starting point for a government organization empowered to deal with administrative cases relating to disputes between the private sector and any governmental agency.

The Petition Council and its sub-committee had the following structure, powers and duties:

1. The Petition Council consisted of a president and at least six committees. They were appointed by the king with the consent of the House of Representatives. Members of the Council had to have been a public official serving in a position not lower than Head of Division or its equivalent. They had to have held office for at least two years.
2. There were sub-committees consisting of not more than five members. At least two of these members must have been petitioners for a specified issue. Members of the sub-committee cannot be government officials.



Royal ceremony celebrating the creation of the Constitution of the Kingdom of Thailand, B.E. 2475 (1932) in the Ananta Samakhom Throne Hall

(from Benjamin A. Batson, Kanjane La-ongsri et al., The End of Absolute Monarchy in Siam (Bangkok: The Foundation for the Promotion of Social Sciences and Humanities Textbook Project, 2000)



The Secretariat of the Petition Council was located at the Office of the Petition Council. There was a secretary of the Petition Council and officials. Petitions that were accepted for consideration had to have the following characteristics:

1. Be a matter in which the petitioner is requesting help from the government; or
2. Be a matter in which the petitioner is aggrieved or injured as a result of a public official or municipal official exceeding their authority, neglecting their official duties, performing such duties with unreasonable delay, or employing undue discretion or discrimination.

Petitions which could not be submitted to the Petition Council were petitions that had gone through a legal process in the Court of Justice and for which a decision had been made, or for which the Petition Council, the Prime Minister or the Cabinet of Ministers had rendered a final decision and had given their final order or resolution.¹¹⁴

When a petition had been tried, the Petition Council had to notify the Prime Minister and the petitioner within fifteen days as from the date of issuing the order. When the Prime Minister received a decision of the Petition Council, the Prime Minister had to inform the Petition Council of the Prime Minister's directive within sixty days and notify the petitioner of the result of the decision within fifteen days. Furthermore, the Petition Council could ask for an official inquiry into a matter which could result in a criminal penalty.

However, the work of the Petition Council yielded few tangible outcomes and was therefore not in accordance with the *Council of State Act, B.E. 2476 (1933)*, which empowered the Council of State to try and adjudicate.

Hon. Dr. Ackaratorn Chularat made the following remark about the operation of the Petition Council at that time:

"...Sometimes, the Petition Council would seem to be moving in the opposite direction to the reasons why it was established, whether because it was excessively influenced by civil law principles or because they were too slow in deliberating, or because the system laid down was not correct. Also, on many occasions the Prime Minister, being a politician, often kept the petitions that had already been tried and adjudicated and submitted to him for consideration because they were not what he wanted to hear or he withheld them to help out his friends. This was one of the reasons why legal experts came to believe that the Petition Council was unable to resolve the grievances of the people because it was completely under the control of the executive branch."¹¹⁵

The Petition Council was responsible for trying and adjudicating administrative cases for thirty years.¹¹⁶ As its operations were influenced too much by the executive branch, attempts were made to develop an organization exercising judicial powers in the form of an "Administrative Court" which would be independent of the executive branch.



Office of the Council of State



Inside the premises of the Office of the Council of State



Development of the Administrative Adjudication Body into the Court System

The Council of State and the Petition Council were not able to fully develop the system of administrative justice because the Petition Council's Secretariat was under the Prime Minister's Office and therefore inquiry into grievances was controlled by the executive branch. Furthermore, the rules on trial of administrative cases could not be enforced because the Act covering them had not been passed. So, during the period 1933-1973, even though there were administrative laws and the concept of an "Administrative Court" existed in Thailand, there was no clear advancement toward the establishment of an Administrative Court. In addition, there was a lack of awareness and confused thinking about methods of adjudication.

Dr. Duen Bunnag, the former Deputy-Prime Minister of Thailand, stated that the law on the establishment of the Administrative Court was proposed many times but it was not considered even though the parliament had accepted it in principle. This was because most Thai lawyers were educated in British law which considers the trial of administrative cases as under the jurisdiction of the Court of Justice. The Administrative Court which was being considered for Thailand was a second court and this appeared to be in conflict with the existing court system so no agreement could be made. The issue of an Administrative Court was continuously postponed but no one dared to abandon it completely.¹¹⁷

The political situation changed after the events of 14th October, 1973 which ushered in more freedom of expression on many issues and had an effect on the *Constitution of the Kingdom of Thailand, B.E. 2517 (1974)* which was enacted in the midst of the political turmoil of the time. This Constitution introduced limitations on the power of the state and protection of human rights in accordance with the tenets of constitutionalism.¹¹⁸ The establishment of organizations that protected human rights were supported in order to control the abuse of power by the state and strengthen the rule of law. The Administrative Court was seen as an organization that monitored the exercise of state power and supported people's rights.

Although it was not yet clear whether the Administrative Court would be under a "single court" or "dual court" system, the establishment of the Administrative Court prescribed by the *Constitution of the Kingdom of Thailand, B.E. 2517 (1974)* and was separated from the Court of Justice. According to Section 213, the Constitutional Court was responsible for determining the powers and duties of the various courts: the Court of Justice, the Administrative Court and other courts.¹¹⁹

The Council of State considered that this sudden establishment of the Administrative Court lacked a firm foundation and that there were no appropriate controls over the administrative sector.¹²⁰ Hence, it proposed a draft of the *Act on Petitions,*

B.E. 2517 (1974) which enhanced the powers and duties of the Petition Council and made it a foundation for the establishment of the Administrative Court at a later date. The Council also presented its opinion that the efficient implementation of the Administrative Court depended on the three following factors: (1) the actions of the administrative sector must be open to inspection, (2) the organization monitoring the administrative sector must have knowledge about administration and relevant laws, and (3) it must build people's confidence in exercising their rights. In addition, the Parliament should build all the necessary foundations for an Administrative Court. These include having officials and judges who had genuine knowledge of administrative law and did not abuse their power to undermine the performance of administrative officials, and creating an awareness of the function of the Administrative Court which is to monitor illegal acts of the administrative sector - not to order or operate apart from the requirements of administration. Finally, it must build people's confidence and encourage them to become aware of their rights and solve problems in a peaceful and efficient manner. The Council of State believed the best way to lay a firm foundation was to improve the Petition Council which is the way systems of administrative law have been established in foreign countries.

In addition to providing experience for future administrative judges, training the limited number of experts in administrative law and influencing the attitude of the people toward the system of administrative law; the Petition Council could also cooperate with the political sector headed by the Prime Minister by presenting their opinions on various issues accompanied by relevant reasoning to the Prime Minister for consideration. This type of cooperation was seen as indispensable in the establishment of the Administrative Court as an independent organization.

At that time, the following three laws relevant to administrative disputes were enacted in order to support the establishment of the Administrative Court: the *Civil Service Act, B.E. 2518 (1975)*, the *Bangkok Metropolitan Administrative Organization Act, B.E. 2518 (1975)*, and the *Country Planning Act, B.E. 2518 (1975)*.



Era



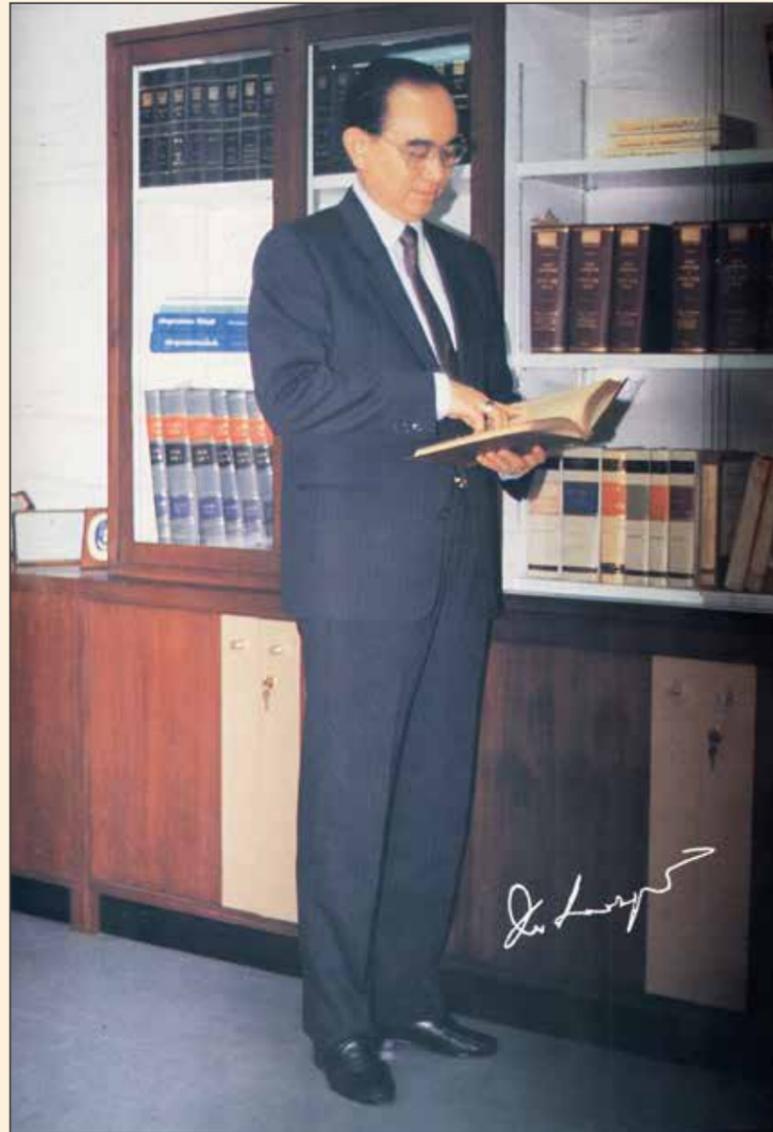
**The 3rd Era in
the Establishment of
an Administrative
Adjudication Body**



Establishment of the Petition Council

The process of establishing an Administrative Court was interrupted by the seizure of power by the National Administrative Reform Council (NARC) on 6th October, 1976. The NARC abolished the *Constitution of the Kingdom of Thailand, B.E. 2517 (1974)* and promulgated the *Constitution of the Kingdom of Thailand, B.E. 2519 (1976)* which did not prescribe the establishment of an Administrative Court. However, this new Constitution was soon abolished and replaced by yet another Constitution in 1977 which allowed for the setting up of special courts: an Administrative Court, a Labor Court, and a Tax Court. The government under this Constitution lasted for just over a year so no real progress was made in setting up these Courts¹²¹ before another Constitution was promulgated in 1978 which did not provide any legal framework for an Administrative Court. At that time, Dr. Amorn Chandara-Somboon, Secretary-General of the Council of State, with the support of Mr. Somphop Hotrakit, the Deputy-Prime Minister, proposed that the *Act on the Council of State, B.E. 2476 (1933)* and the *Petition Act, B.E. 2492 (1949)* be abolished and replaced with a revised *Council of State Act, B.E. 2522 (1979)*. This proposal was accepted and a new council, called "the Petition Council", was set up.

The petition council prescribed by the *Petition Act, B.E. 2492 (1949)* had been adjudicating administrative cases for thirty years but this new Act in 1979 aimed to improve the administrative case adjudication body as a whole. In addition, the Petition Council wanted to have officials in the new council disseminate knowledge



Professor Dr. Amorn Chandara-Somboon



Inside the premises of the Office of the Council of State

about administrative law throughout Thai society. As there were not enough competent justices at that time to set up an Administrative Court, it was proposed that the Petition Council carry out the duties of an Administrative Court temporarily.

Most of the provisions of the *Council of State Act, B.E. 2522 (1979)* concerning petition councilors and adjudication of petitions were derived from the *Act on Petition* which the Council of State had proposed. The guiding principle throughout was that the Petition Council should prepare the foundations for the establishment of an Administrative Court in the future.

After promulgating the *Council of State Act, B.E. 2522 (1979)*, the government headed by General Prem Tinsulanonda maintained the policy of establishing an Administrative Court. Hence, the Ministry of Justice followed government policy by proposing a draft of the *Act on Establishment of Administrative Court and Administrative Court Procedure, B.E. 2523 (1980)* which was accepted in principle on 17th June, 1980 by the Cabinet and delivered to the Office of the Council of State for review. The drafting of such a law required specialized expertise so a committee of fifteen members was set up to review the draft produced by the Ministry of Justice. After review, the Act was proposed to the House of Representatives and the Senate but shortly after the proposal, the Parliament was dissolved and the bill could not be passed. Subsequently, many members of the House of Representatives proposed on a number of occasions that an Administrative Court be established under the Court of Justice.¹²²



Office of the Council of State

The main purpose in promulgating the *Council of State Act, B.E. 2522 (1979)* was to establish the Petition Council as “an organizational prototype” for managing the administrative justice system. The performance of the Council of State was reviewed and evaluated according to the new structure and this review allowed executives and jurists to gain a better understanding of organizational management and Administrative Court procedure. This understanding was useful in determining appropriate solutions to administrative problems and in laying the foundations for an Administrative Court that would be established in the future.

Hon. Dr. Ackaratorn Chularat believed that officials of the Office of the Council of State should develop a sound knowledge of the principles of administrative law, otherwise they would lack guidelines for the correct way to try and adjudicate administrative cases. As there were not enough administrative jurists to establish an Administrative Court, the Petition Council had to be responsible temporarily but, in principle, the decisions made by an Administrative Court were final and the administrative sector had to accept those decisions. The decisions of the Petition Council; however, required the approval of the Prime Minister as Head of government before they could gain legal force. This arrangement was a form of internal control by the executive branch and was useful during the period when preparations were being made for the establishment of an Administrative Court.¹²³



The Office of the Council of State was reformed according to the *Council of State Act, B.E. 2522 (1979)* to conform to the work plans as well as the processes for developing the system of Administrative Court procedures of Thailand.¹²⁴ It emphasized the importance of studying the cause of complaints and analyzing those causes so that laws could be amended to make them more appropriate.

The Office of the Petition Council and the Office of the Council of State were integrated and qualifications were set for persons to be appointed as Petition Councilor and Councilor of State. At that time, people could lodge a complaint with the government via the Office of the Petition Council and the Secretariat of the Prime Minister but this caused some confusion. Consequently, it was changed so that complaints were lodged only with the Office of the Council of State.¹²⁵

Powers, Duties and Organization of the Petition Council

The *Council of State Act, B.E. 2522 (1979)* arranged councilors into two categories as follows:

1. The first category was councilors empowered to draft laws and give legal advice to state agencies as directed by the Prime Minister or the Cabinet of Ministers and to submit opinions or remarks to the Cabinet of Ministers on the need for new legislation or the amendment, revision or repeal of existing legislation. These powers and duties resembled those specified in the *Act on the Council of State, B.E. 2476 (1933)*. Councilors in this first category were appointed by His Majesty the King after recommendation by the Cabinet of Ministers. They were selected from persons having the necessary qualifications according to relevant laws and who had knowledge and experience in fields such as law or political science. Councilors held office for a term of three years but could be reinstated for further terms by the king.
2. The second category was councilors empowered to consider petitions. Their powers and duties are similar to those prescribed in the *Petition Act, B.E. 2492 (1949)* but different from those prescribed in the *Act on Council of State, B.E. 2476 (1933)* which does not allow councilors to adjudicate on administrative cases by themselves but only to consider petitions according to court procedures in the same way as a court and then propose their decisions to the Prime Minister as the Head of government for further consideration and orders. The same as for the first category, these councilors are appointed by His Majesty the King after recommendation by the Cabinet of Ministers. They were selected from persons having the necessary

qualifications according to relevant laws and who had knowledge and experience in fields such as law or political science. Councilors held office for a term of three years but could be reinstated for additional consecutive terms by the king.

The organization of the Petition Council was not the same as the Administrative Court because the decisions of the Administrative Court are deemed to be final and the administrative sector must accept and comply with them. The decisions of the Petition Council, on the other hand, came into force after the approval of the Prime Minister.¹²⁶ The Petition Council used a court system to make decisions but the power to order or set penalties was with the head of the executive branch. This system was modeled on that of *la justice retenue* (retained justice) used in the early years of the Council of State of France before it was authorized by the state to exercise its own powers (*la justice déléguée*) in 1827.¹²⁷ This meant that the Council of State would try people's petitions in relation to an act by a state official using court procedure and present its decision to the head of the executive branch for consideration. Later, in 1872, a law authorizing the Council of State to adjudicate administrative cases was enacted. This was after Administrative Court procedure had been refined and firmly established and both the people and the public sector were confident that the decisions of the Council of State would protect the rights and interests of both groups.¹²⁸



The Petition Committee during a hearing



The Petition Committee during a hearing

The petition system detailed in the *Council of State Act, B.E. 2522 (1979)* was an inquisitorial system that balanced decision-making power between a petition commissioner, who was an administrative case official, and the Petition Council whose members were qualified in the fields of law and administration and appointed by the king according to selection by the Cabinet of Ministers and the consent of Parliament.

In conclusion, under the *Council of State Act, B.E. 2522 (1979)* a private individual or entity who is aggrieved by the actions of an administrative agency or state official could submit a petition to the Petition Council via the Council of State. After accepting a petition, an official of the Office of the Council of State conducted an investigation and collected facts and evidence. A summary of the issues was then submitted to the Petition Council. At this point, both the petitioner and the state agency had an opportunity to submit their evidence and review the evidence of the other party. The Petition Council then conducted further enquiries, after which a petition commissioner presented a statement outlining opinions on the facts and relevant laws. Afterwards, the Petition Council considered the commissioner's statement, consulted within a chamber, made a decision and presented it to the Prime Minister to make an appropriate order. If the Prime Minister disagreed with the decision of the Council, he was required to provide an explanation and reasons for the disagreement.

The principles of administrative law were relatively new to most Thai people at that time so it was necessary to provide example cases illustrating the theories of administrative law in order to establish appropriate and acceptable principles of administrative law among Thai people as well as to help prepare relevant personnel responsible for handling administrative cases. It was thought that after such understanding had reached a certain level, it would be relatively easy to change from a Petition Council to the Administrative Court and that such a change would have no significant impact on public administration.¹²⁹

Interesting Cases of the Petition Council

The adjudication of administrative cases by the Petition Council assisted the development of Administrative Court procedure and aided the people in enjoying the rights to which they are entitled. This is shown in the following cases adjudicated by the Petition Council.

1) In response to a petition against a local official neglecting his duties or performing such duties with unreasonable delay in regard to the *Building Control Act*, the Petition Council proposed that the Prime Minister order agencies in Bangkok and in local administration bodies to lay down clear guidelines for collecting documents when receiving applications for the demolition of buildings which have been illegally constructed. It was further proposed that the names of relevant engineers and architects involved in the construction of the buildings should be submitted to the Engineering Oversight Committee or the Professional Architects Oversight Committee so that appropriate action can be taken in regard to their professional conduct.¹³⁰

2) A petition was filed against a local official for refusing to register the petitioner's adopted child. The Petition Council decided that the incident arose because the local official adhered strictly to the guidelines in the *Family Registration Act, B.E. 2478 (1935)* which did not conform to the *Child Adoption Act, B.E. 2522 (1979)* or the Civil and Commercial Code. The Petition Council proposed that the Prime Minister instruct the Ministry of Interior to issue a circular letter concerning the guidelines for registration of adopted children and that the Ministry of Interior and the Office of the Council of State should amend the *Family Registration Act, B.E. 2478 (1935)* so that it corresponded to the provisions of the above mentioned acts.¹³¹

3) A petition was filed against a director-general for appointing a person other than the petitioner to the position of departmental director. The petitioner claimed that such an appointment was "dishonest or unreasonable". The petitioner believed that he deserved to be appointed as departmental director as he was the oldest official in the department. Moreover, the person who was appointed had been previously punished for breach of discipline. The Secretary-General of the Council of State noted that screening methods were not systematic and that those with decision authority were allowed to exercise too much discretion in appointing people to positions. He proposed that the Prime Minister instruct the Office of the Civil Service Commission to issue a by-law and rule concerning the screening of personnel applying for positions.¹³²

Efforts and Obstacles in Adjudicating Administrative Cases by Committees

One obstacle to the establishment of the Administrative Court after changes in political rule was the public's limited knowledge about administrative law. This led to a lack of understanding of their rights. Government officials also lacked knowledge and competence in administrative law procedures.

The characteristics of administrative cases are different from general cases. Firstly, a disparity exists in the status of parties in administrative cases. An administrative case is a dispute between a private individual and a state agency. This is different from a civil case which is a dispute between private individuals themselves. A state agency has higher status than a private individual and documentary evidence usually belongs to state agencies. In a civil case, both parties have equal opportunity to present evidence in support of their allegations. If the plaintiff in a case against a government agency is a private individual, inquiring into the facts of a case is difficult; therefore, the chance of winning a case is small. However, in administrative cases, the court is required to play a role in enquiring into the facts and evidence of the case so that justice is provided to both parties. Secondly, the aim of Administrative Court procedure is to counterbalance the exercise of discretionary authority. Administrative cases are important as they may have a significant impact on benefits derived by the state and in some cases the state may be ordered to pay large amounts to a private individual. Moreover, administrative judgments may affect public administration. Therefore, Administrative Court procedures in many countries such as France, Belgium, and Egypt as well as in the Courts of Justice of the European Community use a Petition Commissioner (Commissaire du Gouvernement or Avocat General) who acts as a checker and balancer for the investigation, the case summary and the final decision. The Petition Commissioner renders his preliminary opinion to the court before the final decision is made to ensure that the case summary and facts of the case are not distorted or misrepresented and a balanced decision is achieved.

The system of having a Petition Commissioner was suitable for the Council of State at that time so a petition system was temporarily adopted. Its advantage was that it had a definite adjudication procedure such as in a court but its disadvantage was that remedies for plaintiffs still required an order from the executive branch. Such orders had a broader scope than judicial orders which were limited by the principle that "a court may not decide more than it has been asked to (non ultra petita) and must make its decision according to existing laws."

The method of adjudication used by the Petition Council depended on the type of administrative case. There were many types of cases such as those relating to an official contract or those involving discipline of officials. Only important administrative procedures were prescribed by the *Council of State Act, B.E. 2522 (1979)*. This Act prescribed that if any

adjudication procedures contained in the Act required amendment, the President of the Council of State (Prime Minister) would be empowered to set a “regulation of the Petition Council” so that an amendment to the Act itself would not be necessary. The Secretariat of the Petition Council made the amendments to the Act and set the Petition Council as having the power to adjudicate petitions in accordance with the rules governing administrative procedure prescribed by the *Council of State Act, B.E. 2522 (1979)* and the regulations of the Petition Council. The procedure commenced with the secretary of the Petition Council deciding whether a petition can be accepted for consideration or not. The examination and case summary submitted to the Petition Councilors were considered as preliminary opinions. After these had been submitted,



the Petition Commissioner presented his statement and the Petition Council made the decision. After that, the Office of the Council of State submitted the decision to the Prime Minister. As orders of the Petition Council depended on the head of the executive branch, its orders or decisions did not have the same strength for enforcement as a decision of a court which exercised judicial powers. Therefore, a fully-functional Administrative Court in Thailand had yet to be established.

Extraordinary meeting of the Council of State

Selecting a Court System for the Administrative Court of Thailand

Although all parties agreed to set up a judicial organization to affirm and protect human rights as well as monitor the exercise of state power, an Administrative Court could not be immediately established as there were disagreements regarding whether a single court or a dual court would be most appropriate for Thai social conditions and Thai laws.¹³³

1. A “single court” system means that a Court of Justice has the power to adjudicate all types of cases: civil cases, criminal cases, administrative cases or other cases. In this system, a judge who has knowledge of general law, called “a generalist”, is responsible for adjudicating administrative cases. A single court system is used in the United Kingdom, United States, and countries having a common law system.

2. A “dual court” system means that a court of justice has power to adjudicate only civil cases and criminal cases. Administrative cases are adjudicated by an Administrative Court which has a court system and judges separate from the Court of Justice. An administrative judge requires special qualifications and is a specialist in administrative cases. A dual court system is used in France, Belgium, Germany, Sweden, and Finland.

Based on past history, it was thought that Thailand should have an Administrative Court that is separate from the Court of Justice for the following reasons:

2.1 Administrative law has special characteristics different from private law.

Administrative law relates to the establishment or organizational form of agencies of the state or sets the scope of powers of agencies and officials of the state in their operation of public services.

2.2 Administrative cases are different from civil cases. A civil case involves a dispute between private individuals or entities that are of equal status. Civil proceedings comply with a code of civil procedure using the accusatorial system in which each party pursues their own benefit. The court is a mediator responsible for considering evidence and giving a judgment in accordance with the spirit of the law. An administrative case needs inquiry into facts. The administrative proceedings therefore use the inquisitorial system in which the court plays an important role in investigating the facts and evidence from both parties or from third parties.

2.3 An administrative judge should have expertise in public administration. In adjudicating administrative cases, the Administrative Court examines the exercise of power by officials of the executive branch. An administrative judge must have a comprehensive knowledge of the system of public administration so as to know in what situations an investigation of the operations of a state agency can be carried out without reducing the efficiency of the state agency in question. An administrative judge must also know in what situations it would be inadvisable to intervene in a matter which should only be done at the discretion of the administrative branch.

In Thailand, the teaching and study of law and the training of judges for the Court of Justice focuses almost exclusively on civil law, commercial law, criminal law, civil procedure law, and criminal procedure law. This has resulted in judges lacking appropriate knowledge in trying and adjudicating administrative cases. The system of selecting and appointing judges of the Court of Justice is a closed system. Junior judges are appointed from persons who pass tests and senior judges are promoted from junior judges. Others who have experience and expertise in public administration cannot be appointed as judges.

In addition, the system of having an associate judge assisting a judge in the Court of Justice to adjudicate administrative cases is ineffective because the associate judge is only held to be a specialist who can provide advice to the judge.

A notable feature of adjudication in the dual court system which was developed from the Petition Council model was the counter balancing of decision power of administrative judges¹³⁴ in making their decisions. A preliminary opinion is given first by one person, the Petition Commissioner, and then this judgment becomes a resolution of a collective body. In cases where judges do not agree with the preliminary opinion, they are required to provide appropriate reasons to counterbalance the opinion. This avoids a one-sided consideration of the case. Moreover, specialists can analyze, evaluate and compare the preliminary opinion and the final judgment given by an Administrative Court.

Argument about Court System for the Establishment of the Administrative Court of Thailand

After the Petition Council was set up in 1949, an act to establish an Administrative Court was proposed several times. Later, in 1956, during the premiership of Field Marshal Plaek Pibulsongkram, the matter was proposed again in the form of a single court whereby the Administrative Court would be part of the Court of Justice. On 12th November, 1956, the Cabinet of Ministers accepted the proposal in principle and ordered the Legislative Bill Drafting Commission set up by the government to examine it. However, the Office of the Prime Minister thought that if the government could establish an Administrative Court which had judges and associate judges that had the specific authority to adjudicate administrative cases, then in the event that a private entity had a dispute with an administrative agency, it could be handled by a specialist in such cases. This being the case, it would not be necessary to prescribe the powers of an Administrative Court in the Constitution which separated the powers of the legislative, executive, and judicial sectors. This proposal was submitted to the Cabinet of Ministers for consideration and on 25th August, 1964 and the Cabinet subsequently passed a resolution stating that it was not yet appropriate to set up an Administrative Court.¹³⁵

The Office of the Council of State developed the system of Administrative Court procedure and knowledge about administrative law through legal proceedings of the Petition Council under the scope of the Thai Constitution which had been amended several times and the Council of State had continually tried to set up an Administrative Court in Thailand.

Even though the concept of an Administrative Court had been accepted, it was not prescribed in any act until the *Constitution of the Kingdom of Thailand, B.E. 2517 (1974)* which was the first constitution prescribing an Administrative Court under a dual court system. Five relevant acts were passed in preparation for its establishment. General Prem Tinsulanonda continually tried to set up an Administrative Court in Thailand during his time as Prime Minister as can be seen from the 14 bills concerning the establishment of an Administrative Court that were proposed but because of difficulties in enacting the laws they could not come into force. It is worth noting that such bills all prescribed the establishment of an Administrative Court under a single court system.

The Ministry of Justice drafted the *Act on Establishment of the Administrative Courts and Administrative Court Procedure* and proposed it to the Cabinet of Ministers in 1980. The Administrative Court under a single court system was to be divided into two levels: the Administrative Court of First Instance and the Supreme Court of Justice (the Administrative Cases Division). Its secretariat was to be under the Ministry of Justice and controlled by the President and the Vice President of the Administrative Court who were to be appointed by the king from judges of the Court of Justice.¹³⁶ On 10th February, 1983, the House of Representatives approved the Act and it was considered by the Senate on 11th March, 1983. Due to the many sections in the bill a committee had to be appointed to consider it but before it could be passed the House of Representatives was dissolved on 19th March, 1983. Then on 26th June, 1983, Mr. Sutat Ngerneun proposed the *Act on Establishment of the Administrative Courts and Administrative Court Procedure*. The clauses were similar to the previous bill approved by the House of Representatives. On 14th July, 1983, Mr. Pinit Chantarasurin also proposed a bill with clauses similar to the bill approved by the Senate.

The Coordinating Committee of the House of Representatives led by Mr. Meechai Ruchupan appointed the *Sub-Committee to Study and Examine the Act on Establishment of Administrative Courts and Administrative Court Procedure* to determine what amendments should be made to the two bills in order to avoid damaging the public administration system or reducing its efficiency. On 20th June, 1984, the Office of the Council of State and representatives of the Ministry of Justice considered the bill but there were two different opinions. The Ministry of Justice thought that the bill approved by the House of Representatives had passed examination and that there shouldn't be any effect on the efficiency of public administration. The Office of the Council of State; however, thought that the structure of the Administrative Court prescribed by the bill allowed final decisions by administrative judges over the work of the administrative sector without any control system. In any event, the two bills were not passed by the House of Representatives.¹³⁷

At the same time, the *Council of State Act, B.E. 2522 (1979)* was amended in order to prepare the Petition Council, which was one type of Council of State, to become the Administrative Court under a dual court system. It was also an important element in the creation of public law jurists.

Guidelines for Developing the Petition Council to Become the Administrative Court

After the Petition Council was set up in 1979, the Office of the Council of State tried to develop it into an Administrative Court in a form similar to the “Conseil d’Etat” in France by implementing the following important initiatives relating to the structure of the organization as well as the powers and duties of the Council of State and the Office of the Council of State.

First, the Office of the Council of State established the Petition Council to adjudicate petitions and appeals forwarded by committees that were responsible for specific types of administrative cases and set the Office of the Council of State to act as Secretariat to the Petition Council.

Second, Administrative Court procedure was established in four steps. In the first step (1979-1986), the Office of the Council of State adopted some of the Administrative Court procedures of France on a trial basis in the form of “Regulations of the Petition Council”. This included using the inquisitorial system to investigate grievances and in this the officials of the Office of the Council of State and the Petition Council played an important role. In the second step (1986-1988), after employing this procedure for handling grievances, relevant personnel became familiar with it. The Office of the Council of State improved it by allowing Petition Commissioners to play a counter-balancing role in deciding on petitions by presenting their statements (preliminary opinions) to the Petition Council before a final decision was made.

Third, knowledge on the systems of administrative law in foreign countries and on Administrative Court procedure was disseminated to officials of the Office of the Council of State as well as to relevant personnel from other organizations through training sessions, seminars and lectures. In addition, decisions handed down by the Petition Council and resulting orders by the Prime Minister as well as technical articles on administrative law were published in “Administrative Law Journals”.

Fourth, the Office of the Council of State analyzed the causes of grievances and provided guidelines for resolving them or to protect against their reoccurrence.¹³⁸

In 1989, the Ministry of Justice proposed a draft of the *Act on Establishment of the Administrative Court* under a single court system to the government headed by General Chatchai Chunhawan. On 6th October, 1989, the Cabinet of Ministers passed a motion not to accept the proposed draft and assigned the Office of the Council of State to consider modifying the Petition Council in order for it to become an Administrative Court in the future. The Office of the Council of State proposed the appointment of a Committee

for Projects and Plans presided over by the Prime Minister or Deputy-Prime Minister. The Prime Minister accepted the proposal and notified the Cabinet of Ministers. In turn, this committee appointed three ad-hoc committees as follows:

1. Ad-hoc committee to create a plan to improve the Petition Council;
2. Ad-hoc committee to oversee the adjustment of university curriculums that deal with administrative and public law; and
3. Ad-hoc committee to set guidelines for the recruitment of law graduates to be government officials.

These ad-hoc committees began to implement projects and plans but progress was stopped because of political changes implemented by the National Peace Keeping Council.

In amending the *Constitution of the Kingdom of Thailand, B.E. 2534 (1991)*, the committee appointed by the House of Representatives to make amendments specified the establishment of an Administrative Court as a specialized court. They justified this by stating that even though people could file a case with the Court of Justice against a state agency or official who contravened the people’s rights, the Court of Justice consisted of judges expert in civil and criminal law, not in administrative law. Therefore, these judges would not be able to effectively control the administrative sector in the way that it should. If the Court of Justice exercised too much control over the administrative sector, it would make the administrative sector no different from the private sector in spite of the fact that the administrative sector works for the public’s best interests. On the other hand, if the Administrative Court has too little or no control over the administrative sector, things will just go according to the way the administrative sector want them to. This can happen when the Court of Justice does not have sufficient expertise in administrative law. Public law emphasizes a balance between people’s rights and liberties and efficient administration of the state for public interest. In the case where too much emphasis is given to private entities, the state cannot serve the best interests of the public. In contrast, if too much emphasis is given to efficient administration of the state to serve public interest, the private sector is robbed of its rights and liberties. It is important that the system and proceedings for adjudicating administrative cases, monitoring state activities and ensuring efficient administration for public interest are balanced against people’s rights and liberties. Therefore, an Administrative Court should be established that is specialized in controlling the actions of the administrative sector by applying administrative law in much the same way as the Constitution specifies a Constitutional Court to consider constitutional cases. Therefore, a court that considers administrative cases should be called an “Administrative Court”. Provisions in the Constitution concerning it should be broad and contained within just one section similar to Section 212 of the *Constitution of the Kingdom of Thailand, B.E. 2517 (1974)* and the details in relevant organic laws.¹³⁹

The “Black May” incident of 1992 brought about changes in constitutional law. Various theories were raised relating to constitutional law in order to allow for more public participation and the establishment of more agencies to monitor the activities of the public sector. On 21st October, 1992, the government led by Mr. Chuan Leekpai informed the National Assembly of the government’s policy to develop personnel, petition proceedings and other relevant factors in preparation for the establishment of an Administrative Court in four years. The government also established the Public Administration Development Commission. In order to comply with the policy, the Commission appointed the *Sub-Commission for Developing Governmental Personnel and Establishing an Administrative Court*. This Sub-Commission analyzed and made suggestions on the guidelines, policies, strategies, and measures of the government’s policy and submitted its plans to the Commission. Having reviewed the plans, the Commission moved up the deadline and decided to establish the Administrative Court in two years instead of four. To meet the new deadline, four measures were devised.

- (1) Draft laws on the adjudication of administrative cases and have these laws accepted. Two important laws were drafted: The *“Administrative Procedure Act”* and the *“Act on Liability for Wrongful Acts of Officials”*.
- (2) Develop the Petition Council and its powers and duties in preparation for the establishment of an Administrative Court by:
 - a) decentralizing grievance proceedings;
 - b) having the Petition Council act as a fully-functioning Administrative Court by amending the *Council of State Act* so that all administrative cases are adjudicated by the Petition Council acting as an Administrative Court without having to submit its decisions to the Prime Minister.
- (3) Recruit and train personnel to carry out Administrative Court proceedings.
- (4) Prepare a public relations plan to familiarize people with grievance proceedings, administrative cases and the Administrative Court; and prepare premises for the Petition Council.

Before submitting these plans to the Cabinet, the Public Administration Development Commission held a seminar on “The Establishment of an Administrative Court in Accordance with the government’s policy” on 3rd December, 1993. In a subsequent meeting of the Cabinet on 29th March, 1994, the Prime Minister instructed the Office of the Council of State to amend the *Council of State Act, B.E. 2522 (1979)*. Later, after a Cabinet meeting on 10th May, 1994, the Minister for the Office of Prime Minister repealed the Act and forwarded it to the Office of the Council of State for amendment. This meant that the establishment of an Administrative Court would have to be prescribed in another bill. Hence, the Office of the Council of State drafted the two following bills: *Act on Establishment of Administrative Courts and Administrative Court Procedure*, prescribing its establishment under a dual court system, and the *Council of State Act (No. ...), B.E.*” prescribing that the Office of the Council of State will act as secretariat for the Administrative Court. These bills were based on the Administrative Court systems of France and Germany and as the Administrative Court to be established was part of the Council of State it was therefore similar to the system in Egypt. Unfortunately, before these bills were submitted to the Cabinet, the House of Representatives was dissolved on 19th May, 1995.¹⁴⁰

In 1995, the National Assembly amended the *Constitution of the Kingdom of Thailand (No.5), B.E. 2538 (1995)* and added provisions for an Administrative Court that had powers to try and adjudicate administrative cases as prescribed. If there was a lack of agreement on jurisdiction between the new Administrative Court and the Court of Justice or among other courts themselves, the matter was to be decided by the Constitutional Court. The Non-Standing Committee Drafting the Amended Constitution delivered the following opinions:¹⁴¹

- 1) The amended Constitution will stipulate the establishment of an Administrative Court under the dual court system (separate from the Court of Justice). The Administrative Court will be developed from the existing Petition Council. The Office of the Council of State will act as secretariat for the Administrative Court.
- 2) This organization will be called the “Administrative Court”.
- 3) Appointment of the President of the Supreme Administrative Court must be submitted to the National Assembly for approval.

Later, the government led by Mr. Banharn Silpa-Archa declared to the National Assembly, “The government will improve procedures for delivering administrative, civil and criminal justice to the public. The delivery of justice must be efficient, fast, just, thorough, and modern. To achieve this, the Office of the Council of State has been assigned to submit the *Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999)* which will conform to the provisions of the Constitution and prescribe the establishment of an Administrative Court independent of the system of the Court of Justice and separate from the Council of State. It also prescribes that the Office of the Council of State will act as secretariat to the Administrative Court. The Prime Minister agreed to submit the resulting bill to the Cabinet of Ministers and a Political Reform Committee appointed a Sub-Committee to consider and improve provisions, laws, rules, regulations and orders that might be an obstacle to political reform”. Mr. Bhokin Bhalakula, the Minister for the Office of Prime Minister, decided to wait for the recommendations of the Sub-Committee and the Political Reform Committee before submitting the guidelines for the establishment of an Administrative Court.¹⁴²

The Sub-Committee supported the *Act of Establishment of Administrative Courts, B.E.* submitted by the Office of the Council of State and the Committee accepted the guidelines submitted by the sub-committee. There were a number of possibilities for a secretariat of the Administrative Court: the Office of the Council of State, the Ministry of Justice or a new organization specially set up for the purpose.

The Court of Justice at that time used a system in which a judge could transfer responsibility for adjudicating a case, secretarial work or enforcement of orders to the Permanent Secretary of the Ministry of Justice or a Director General of a department in the Court of Justice. Previously, the work of managing the court was the responsibility of a judge or a person that was formerly a judge. Officials in the secretariat worked under the control of a judge.

“No year is stipulated because the bill referred to had not yet been enacted”

In the past, the Court of Justice proposed that a court is responsible for its secretariat according to the following two concepts:

1. A secretariat will be under the executive branch, either the Court of Justice or the Ministry of Interior.
2. A court must supervise its own secretariat and be separate from the executive branch.

The Office of the Council of State amended the bill on the *Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E.* and the *Council of State Act (No. ...), B.E.* that was submitted to the former government according to the opinions given by the Political Reform Committee with the Secretariat of the Administrative Court under the Office of the Council of State. However, the matter was not able to be submitted because the House of Representatives was dissolved.¹⁴³

The next government led by General Chavalit Yongchaiyudh, declared its policy to the National Assembly on 11th December, 1996 as follows: "...the government will accelerate the establishment of an Administrative Court independent of the system of the Court of Justice in conformity with the provisions and spirit of the Constitution." The Minister for the Office of Prime Minister and the Office of the Council of State submitted the bill of the *Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E.* and the *Council of State Act (No. ...), B.E.* to the Cabinet of Ministers for consideration. At the same time, the Minister of Justice also submitted the *Council of State Act (No. ...), B.E.*

In the meeting of the Cabinet of Ministers on 24th December, 1996, the Prime Minister, the Deputy-Prime Ministers, the Minister for the Office of Prime Minister, and the Minister of Justice accepted the two Acts.

The Secretariat of the Cabinet compiled the following five suggestions regarding the establishment of the Administrative Court:

- 1) An Administrative Court should be established and called the "Administrative Court";
- 2) The draft of the *Act on Establishment of the Administrative Courts and Administrative Court Procedure* should be submitted to the House of Representatives for consideration as the process for its promulgation will take a long time.
- 3) The Administrative Court should be separate from the system of the Court of Justice. Its system should operate in parallel to those of the Court of Justice and the Military Court;
- 4) An Administrative Court must be truly independent. It should control its own appointments, transfers, removal from office, budgeting, and remuneration and benefits for administrative judges and secretariat personnel. It must not be under the control of any agency nor be interfered with by the executive branch; and
- 5) In order to be independent, an Administrative Court must have its own secretariat. This secretariat should be independent of the Ministry of Justice and the Office of the Council of State which are only responsible for drafting, examining, considering, and developing laws.



Legal Officer Training in the Office of the Council of State

For these reasons, the following Acts were amended:

- a) *Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E.*;
- b) *Organization of Ministry, Bureau and Department Act (No. ...), B.E.*; and
- c) *Council of State Act (No. ...), B.E.*

On 4th February, 1997, the Cabinet of Ministers agreed to establish the Administrative Court according to their resolution dated 24th December, 1976 and according to the following:

- 1) Acknowledge the Prime Minister's consideration summarized by the Secretariat of the Cabinet and acknowledge the comments of the Minister of Justice.
- 2) Approve in principle the following three bills:
 - (1) *Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E.*;
 - (2) *Organization of Ministry, Bureau and Department Act (No. ...), B.E.*; and
 - (3) *Council of State Act (No. ...), B.E.*; holding to the principle that the newly established Administrative Court is an independent judicial organization with its own secretariat independent of any official organization.
- 3) Amend details in the three Acts and forward them to the Office of the Council of State to examine further. A Special Legislative Drafting Commission was appointed consisting of Mr. Meechai Ruchupan, as President, Mr. Kanit Nanakorn, Mr. Thian Charoenwatana, Mr. Witoon Tangtrongjit, Mr. Wissanu Krea-ngam, Mr. Sophon Rattanakorn, Mr. Ackaratorn Chularat, and Mr. Osot Kosin.

- After this commission had examined the Acts, the Office of the Council of State proposed them to the Cabinet of Ministers again in order that they could be submitted quickly to the House of Representatives for consideration.
- 4) Approve, in principle, the recommendation given by the Ministry of Justice that the Court of Justice be independent and have its own secretariat. It can also appoint a commission responsible for amending relevant laws and regulations in order to speed up their consideration.



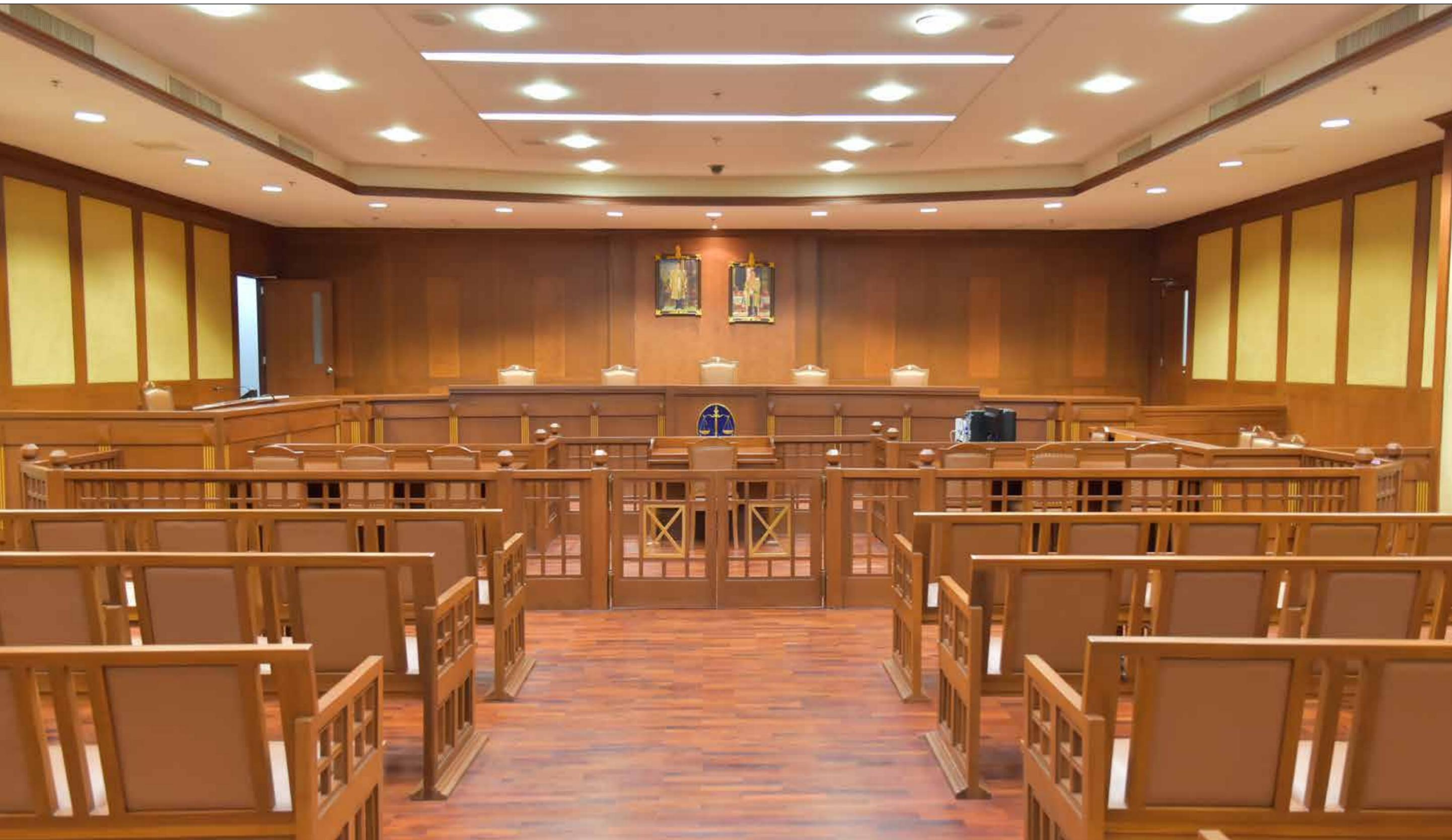
Lecturers of the Legal Officer Training in the Office of the Council of State
From left to right: Dr. Phanom Lamprayoon, Dr. Charnchai Sawangsagdi, and Dr. Bhokin Bhalakula

The Office of the Council of State was therefore assigned by the government to amend the *Act on Establishment of the Administrative Courts* proposed to the House of Representatives conforming to the Constitution. Mr. Chaiwat Wongwattanasan, the Deputy Secretary-General of the Office of the Council of State, was assigned to carry out the matter with both the House of Representatives and the Senate. On 11th October, 1999, after having been passed by the National Assembly, it was promulgated as a law at last and the Administrative Court system was accepted and included in the *Constitution of the Kingdom of Thailand, B.E. 2540 (1997)*.



The Administrative Court System Prescribed by the Constitution of the Kingdom of Thailand, B.E. 2540 (1997)

After promulgation of the Constitution, the establishment of an Administrative Court separate from the other courts was prescribed. The Administrative Court was to be a dual court with the power and duty to consider administrative cases. Furthermore, it was empowered to appoint administrative judges and committees as well as set up an independent secretariat. Hence, the Committee on Policy and Operational Coordination in accordance with the Constitution was appointed. The Office of the Council of State was assigned by this Committee to amend the bill of the *Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E...* already proposed to the House of Representatives. After its amendment, the bill was submitted to the House of Representatives again and to the Senate for consideration and on 16th July, 1998, the House of Representatives passed a resolution to accept in principle the bill and three other similar bills proposed by Mr. Preecha Suwannathat, Mr. Pinit Chantarasurin and Mr. Kuthep Saikrajang together with their delegations. The bill was passed by the House of Representatives on 17th February, 1999 and by the Senate on 2nd July, 1999.¹⁴⁴ The bill was published in the Government Gazette on 10th October, 1999 and came into force on 11th October, 1999.¹⁴⁵



The Emblem of the Administrative Court

His Majesty King Bhumibol Adulyadej The Great has graciously given his permission to use “the sceptre” as part of the emblem of the Administrative Court and the Office of the Administrative Courts. The sceptre is placed in the center of an oval background and over a golden receptacle used to support important objects that are being offered to royalty. Two bowls are suspended on either side of the scepter indicating two equal weights in balance. Under the golden receptacle at the base, there is a wreath of apple blossom leaves running parallel to the circumference of the oval. The meanings of these symbols are as follows:



Oval:



The oval shape signifies never-ending dynamism. It reflects continuous development and progress.

Sceptre:



The sceptre indicates that the Administrative Court and the Office of the Administrative Courts were established during the reign of His Majesty King Bhumibol Adulyadej The Great. The sceptre reminds all administrative judges and officials of the Office of the Administrative Courts that they must be fair to all people and that they must carry out their duties in accordance with the purpose for which the Administrative Court was established.

Balance:



The two weights in balance symbolize equilibrium, equality, and justice without discrimination while upholding fairness.

Gilded Receptacle:



The gilded receptacle is used to support important objects when offering them to royalty or persons of high position. In this case, it is the sceptre, which is a symbol of His Majesty King Bhumibol Adulyadej The Great.

Apple Blossom Leaves:



The name of this tree in Thai means “victory”. It is one of Thailand’s Nine Auspicious Trees and is said to bring good luck, ensure continued high rank and afford victory. In the emblem of the Administrative Court and the Office of the Administrative Courts, these leaves signify victory in thought and in proceedings.





Phra Buddha Maha Karuna Prachanat

In 2010, to commemorate the occasion of the 9th anniversary of the inauguration of the Administrative Court, the Administrative Court commissioned the casting of a “Buddha image of the Administrative Court”. Buddhism is considered the national religion of Thailand and such a Buddha image would be a spiritual anchor for judges, officials and all persons working in the Administrative Court. The Buddha image can remind us to hold firmly to virtue, goodness and righteousness in line with the Teachings of the Buddha. It was thought that the Buddha image that was cast should have characteristics that reflect the duties of the Administrative Court. Therefore, Phra Buddha Sihing was selected to be the model for the Buddha image of the Administrative Court because Phra Buddha Sihing, one of the most sacred Buddha images in Thailand, is cast in the diamond posture which represents the Lord Buddha in a state of concentration, serenity and equanimity. Such a mind can be turned to considering an issue until a clear and truthful understanding of that issue arises. This truth can then be taught to the people for their benefit and happiness. This meaning is in conformity with the performance of duty of administrative judges who must have a serene and impartial mind in order to concentrate on matters and determine the truth about them, and then render a fair

judgment. Accompanying reverence for Phra Buddha Sihing as a protector of the nation, is a recollection of the compassion of His Majesty King Bhumibol Adulyadej The Great in whose reign the Administrative Court was established. Therefore, the Administrative Court requested royal permission to place the initials of His Majesty on the decorative cloth draped over the pedestal supporting the Buddha image of the Administrative Court and to kindly bestow an auspicious name on the image.

His Majesty King Bhumibol Adulyadej The Great graciously granted royal permission to place His initials on the decorative cloth of two Buddha images of the Administrative Court measuring 59 centimeters in width and for 22 Buddha images 12 inches in width. These Buddha images are to be enshrined on the premises of each Administrative Court throughout the country. His Majesty named the Buddha image of the Administrative Court “Phra Buddha Maha Karuna Prachanat” which means “The Lord Buddha of Immense Compassion - A refuge for the people”



ศาลปกครองสูงสุด





Era

4

**The 4th Era in
the Establishment of
an Administrative
Adjudication Body**





His Majesty King Bhumibol Adulyadej The Great (Rama IX) graciously granted an audience to the first delegation of judges of the Supreme Administrative Court to swear oaths prior to taking office at Piumsuk, Klai Kangwon Palace on 19th June, 2000.



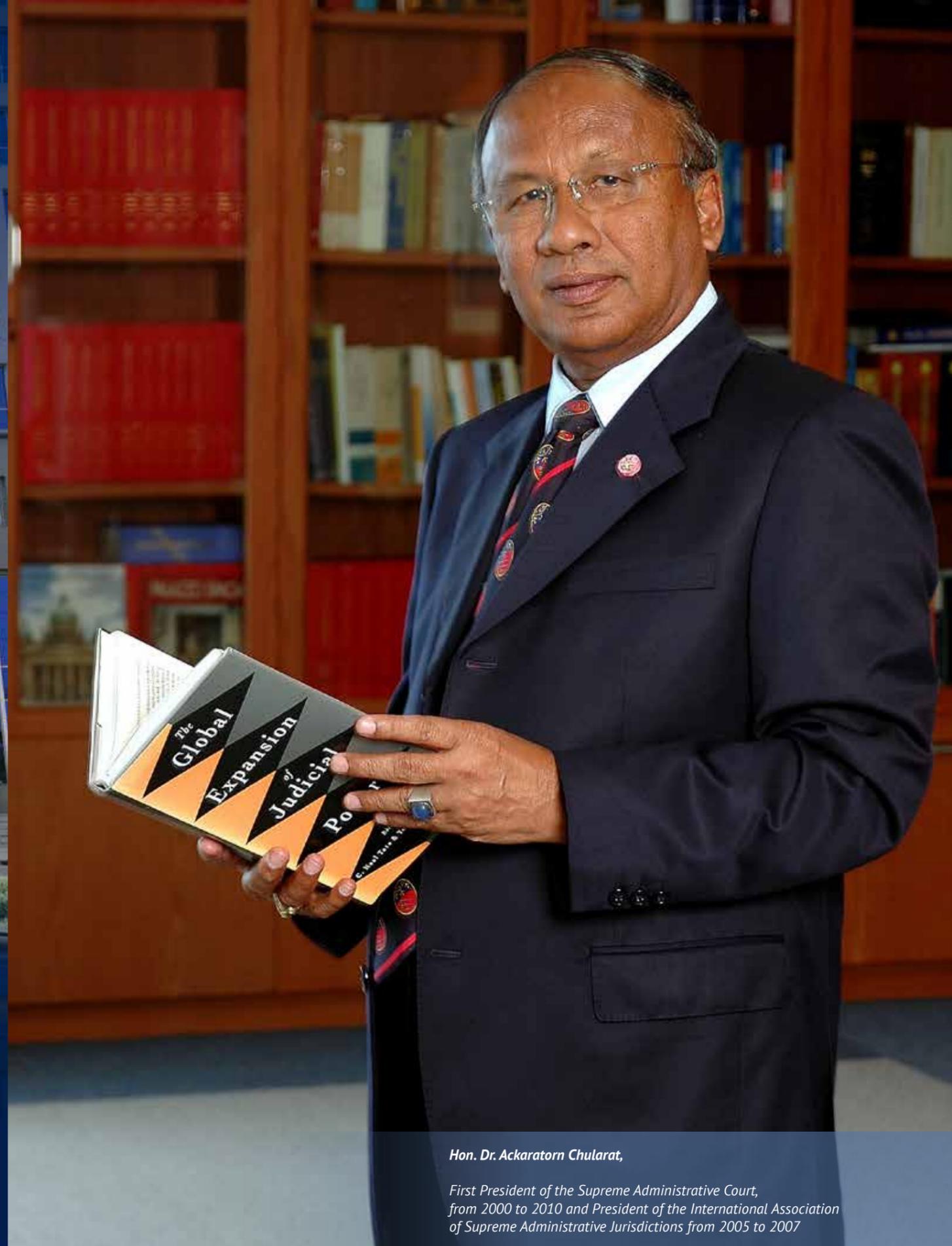


His Majesty King Bhumibol Adulyadej The Great (Rama IX) graciously granted an audience to the President of the Supreme Administrative Court accompanied by administrative judges and administrative court officials in order to present the Administrative Court Gown on the auspicious occasion of celebrating the 60th Anniversary of His Majesty's Accession to the Throne, at Chitralada Rahotan Royal Residence on 24th May, 2007.





**The Administrative Court
in Bangkok**



Hon. Dr. Ackaratorn Chularat,

*First President of the Supreme Administrative Court,
from 2000 to 2010 and President of the International Association
of Supreme Administrative Jurisdictions from 2005 to 2007*



After a long effort, the “Administrative Court” was formally established by the *Constitution of the Kingdom of Thailand B.E. 2540 (1997)*. This marked the introduction of the dual court system in Thailand. Administrative judges and a Judicial Commission were appointed and a Secretariat of the Administrative Court was established as an independent organ.¹⁴⁶



The Act on Establishment of the Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999)





Preparations to Establish the Administrative Court Prescribed by the Constitution of the Kingdom of Thailand, B.E. 2540 (1997)

The Cabinet passed a resolution on 3rd August, 1999 assigning the Office of the Council of State to make the necessary preparations to establish the Administrative Court and the Office of the Administrative Courts. Therefore, the Office of the Council of State organized a working group comprised of representatives from the Petition Committee, the Comptroller General's Department, the Budget Bureau and the Office of the Civil Service Commission. The responsibilities of the working group were as follows:

1. To draft laws, regulations or notices relevant to proceedings for administrative cases;
2. To determine the jurisdiction and time of commencement of the Administrative Court;
3. To determine the qualifications and method of selection of administrative judges and administrative case officials; and
4. To draft laws, regulations or notices relevant to general administration, personnel administration, budget, procurement services, finance and property, and other operations or tasks of the Office of the Administrative Courts or to the establishment of the Administrative Court and the Office of the Administrative Courts.

The *Council of State Act, B.E. 2522 (1979)* established the Petition Council in order to develop the necessary personnel and system of administrative case proceedings which were different from those used in ordinary judicial proceedings. On 11th October, 1999, after preparing for twenty years, the Administrative Court and the Office of the Administrative Courts were formally established by the *Act on the Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999)*. On Monday, 19th June, 2000, the first delegation of administrative judges of the Supreme Administrative Court had an audience with His Majesty the king and swore oaths prior to taking office. Approximately eight months later, on Wednesday, 23rd February, 2001, the first delegation of administrative judges of the Administrative Court of First Instance had an audience with His Majesty the King to swear oaths. In his royal statement to administrative judges, H.M. King Bhumibol Adulyadej The Great said:

"...administrative judges have an important duty, similar to judges of the Court of Justice but more specific, hence the Administrative Court has been set up. The swearing of this oath is important, especially the oath that you will uphold justice in the country and will use the justice in your heart to carry out this work. You need to combine the academic knowledge that you already possess - most of you have knowledge in law, political science, governance and social science - with other knowledge which you may not have gained from study. You need a broad knowledge, both theoretical and practical. If you combine both these types of knowledge, I believe that you will be able to perform your duties well and contribute to happiness and justice in the nation..."

After the first delegates from the Supreme Administrative Court and the Administrative Court of First Instance had sworn their oaths before the king, the Supreme Administrative Court and the Central Administrative Court were inaugurated in Thailand on 9th March, 2001. It might be said that, in the end, the effort to establish an organization to adjudicate administrative disputes which began in the reign of H.M. King Chulalongkorn, yielded concrete results one hundred and twenty-seven years later in the reign of H.M. King Bhumibol Adulyadej The Great.





Inauguration day of the Administrative Court on 9th March, 2001

From left to right:

*Mr. Tawatchai Pitakpol, President of the Supreme Court;
Mr. Ackaratorn Chularat, President of the Supreme Administrative Court;
Mr. Uthai Pimchaichon, President of the National Assembly; and
Mr. Prasert Nasakul, President of the Constitutional Court.*

Structure of the Administrative Court

The Administrative Court is divided into two levels: the Supreme Administrative Court and the Administrative Courts of First Instance. Administrative judges play a crucial role at both levels with the Office of the Administrative Courts, staffed by administrative court officials, acting as secretariat.

1. Supreme Administrative Court

The Supreme Administrative Court is a single appellate court. Disputes adjudicated under the jurisdiction of the Supreme Administrative Court are not limited to any specific region or area of the country. Irrespective of where the action being adjudicated occurred or where the plaintiff resides, a plaintiff can be submitted directly to the Supreme Administrative Court if the case falls within the jurisdiction of the Supreme Administrative Court. However, if the case is an appeal made against a judgment or order of an Administrative Court of First Instance, the plaintiff is required to file the case with the relevant Administrative Courts of First Instance.

Positions for judges of the Supreme Administrative Court are as follows:

- (1) President of the Supreme Administrative Court;
- (2) Vice President of the Supreme Administrative Court;
- (3) President of a Chamber of the Supreme Administrative Court;
- (4) Judge of the Supreme Administrative Court; and
- (5) Judges of the Supreme Administrative Court called by other names as provided in the Notification of the Judicial Commission of the Administrative Court (J.C.A.C.).

Section 236 of the Constitution stipulates that the people's rights shall be protected by the trial and adjudication of a Court of Justice and that a court hearing shall have magistrates or judges in plenary-chamber. Magistrates or judges who are not in the hearing are not able to make judgments or try and adjudicate a case unless specifically listed in a force majeure clause or because of some other inevitable necessity.

Chambers in the Supreme Administrative Court require at least five judges. However, in Administrative Court procedure, there are two other important positions: the judge-rapporteur who is selected from judges of the chamber and appointed by the president of the chamber and a judge-commissioner of justice who is selected from judges in the Supreme Administrative Court or the Administrative Courts of First Instance and appointed by the President of the Supreme Administrative Court.

Cases within the Jurisdiction of the Supreme Administrative Court

There are four types of administrative cases within the jurisdiction of the Supreme Administrative Court as follows:

- (1) Cases involving a dispute in relation to a decision of a quasi-judicial commission as prescribed by the General Assembly of Judges of the Supreme Administrative Court. At present, the General Assembly of Judges of the Supreme Administrative Court has not adjudicated a case of this type. These cases are currently filed with the Administrative Court of First Instance instead;
- (2) Cases involving a dispute in relation to the legality of a Royal Decree or by-law issued by the Council of Ministers or with the approval of the Council of Ministers. In general, these cases are similar to the cases prescribed by Section 9 (1). However, the cases can be filed directly with the Supreme Administrative Court due to the importance of such by-laws;
- (3) Cases prescribed by law to be within the jurisdiction of the Supreme Administrative Court; and
- (4) Cases in which an appeal is made against a judgment or order of an Administrative Court of First Instance. These cases relate to the examination of proceedings for an appeal, consideration of an appeal or judgment or order in a case.

In cases prescribed in (1) and (2) above, the plaintiff may claim for damages according to Section 9 (3). The Supreme Administrative Court has the same competence to try and adjudicate the case as the Administrative Courts of First Instance.

2. Administrative Courts of First Instance

Administrative Courts of First Instance are divided into the Central Administrative Court and Regional Administrative Courts.

2.1. The Central Administrative Court has jurisdiction over the Bangkok Metropolitan Area and nearby provinces such as Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Prakan, Samut Sakhon. It also has jurisdiction over other provinces which are not within the jurisdiction of any Regional Administrative Court such as Nakhon Nayok, Phra Nakhon Si Ayutthaya, Lop Buri, Saraburi, Sing Buri and Ang Thong. It can also accept to try and adjudicate cases within the jurisdiction of Regional Administrative Courts which are filed with the Central Administrative Court.

2.2. Regional Administrative Courts have jurisdiction over a specific locality prescribed in Section 94. As not all Regional Administrative Courts have been inaugurated, the General Assembly of Judges of the Supreme Administrative Court has the power to issue a notification designating a Regional Administrative Court already in operation to have jurisdiction over a nearby province as the case may require.

Positions for Judges of the Administrative Courts of First Instance are as follows:

- (1) President of an Administrative Court of First Instance;
- (2) Vice President of an Administrative Court of First Instance;
- (3) President of a Chamber of an Administrative Court of First Instance;
- (4) Judge of an Administrative Court of First Instance; and
- (5) Judges of an Administrative Court of First Instance called by other names in accordance with the regulation prescribed by the Judicial Commission of the Administrative Court (J.C.A.C.)

In an Administrative Court of First Instance, there must be at least three judges for a chamber. The president of a chamber will appoint a judge from the chamber to be the judge-rapporteur, or he will be the judge-rapporteur himself. The President of an Administrative Court of First Instance or Vice President of an Administrative Court of First Instance can also be appointed as the judge-rapporteur.

The President of an Administrative Court of First Instance will select a judge from that court to be the judge-commissioner of justice.



First hearing of the Administrative Court on 7th September, 2001



Meeting for establishing the Office of the Administrative Courts at Exim Building, Bangkok



The Supreme Administrative Court, the Central Administrative Court, and the Office of the Administrative Courts were temporarily housed at the Empire Tower from 12th June, 2000 to 13th July, 2008.

Establishment of Case Divisions of the Administrative Court

Thai society is currently undergoing a period of rapid change in many contexts. In order to respond to these changes and address various issues in social development as well as manage problems in an appropriate manner, special divisions were created within the Supreme Administrative Court and Administrative Courts of First Instance to handle specific cases relevant to their mandate and expertise. The creation of these divisions expedites the trial and adjudication of such specific cases and allows the Administrative Court to more readily redress public grievances. The following specific case divisions have been created separately for each of the Supreme Administrative Court and for the Administrative Courts of First Instance:

1. **Environmental Divisions**, inaugurated on 2nd August, 2011;
2. **Personnel Administration Divisions**, inaugurated on 10th March, 2014; and
3. **Budgetary and Financial Discipline Divisions**, inaugurated on 1st December, 2015.

In addition, the following specific administrative case divisions have been created solely for the Supreme Administrative Court:

4. **Public Administration Division of the Supreme Administrative Court**, inaugurated on 20th February, 2017; and
5. **Wrongful Acts and Other Liabilities Division of the Supreme Administrative Court**, inaugurated on 20th February, 2017.



Inauguration of the Personnel Administration Division



Inauguration of the Environmental Division



The permanent premises of the Supreme Administrative Court, the Central Administrative Court and the Office of the Administrative Courts are located on Chaeng Wattana Road, Bangkok.



The first group of judges of the Supreme Administrative Court of Thailand

Seated, from left to right:

- Mr. Akarawit Sumawong, Vice President of the Supreme Administrative Court;
- Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court; and
- Mr. Bhokin Bhalakula, Vice President of the Supreme Administrative Court.

Standing, from left to right:

- Mr. Sawat Wattanayakorn, Judge of the Supreme Administrative Court;
- Gen. Niyom Sansanakom, Judge of the Supreme Administrative Court;
- Mr. Peerapol Chaovanasiri, Judge of the Supreme Administrative Court;
- Mr. Chalermchai Vasinondha, President of a Chamber of the Supreme Administrative Court;
- Mr. Paisarn Kumalayavisai, President of a Chamber of the Supreme Administrative Court;
- Mr. Preecha Panitwong, President of a Chamber of the Supreme Administrative Court;
- Mr. Teerayut Lorlertrat, President of a Chamber of the Supreme Administrative Court;
- Mr. Hassavut Vityitviriyakul, Judge of the Supreme Administrative Court;
- Mr. Charan Hathagam, Judge of the Supreme Administrative Court;
- Mr. Damri Watanasingha, Judge of the Supreme Administrative Court;
- Mr. Ampol Singhakowin, Judge of the Supreme Administrative Court; and
- Mr. Thongchai Lumdubwong, Judge of the Supreme Administrative Court.



a Court Room



***H.M. King Maha Vajiralongkorn
Phra Vajiraklaochaoyuhua
(Rama X)***

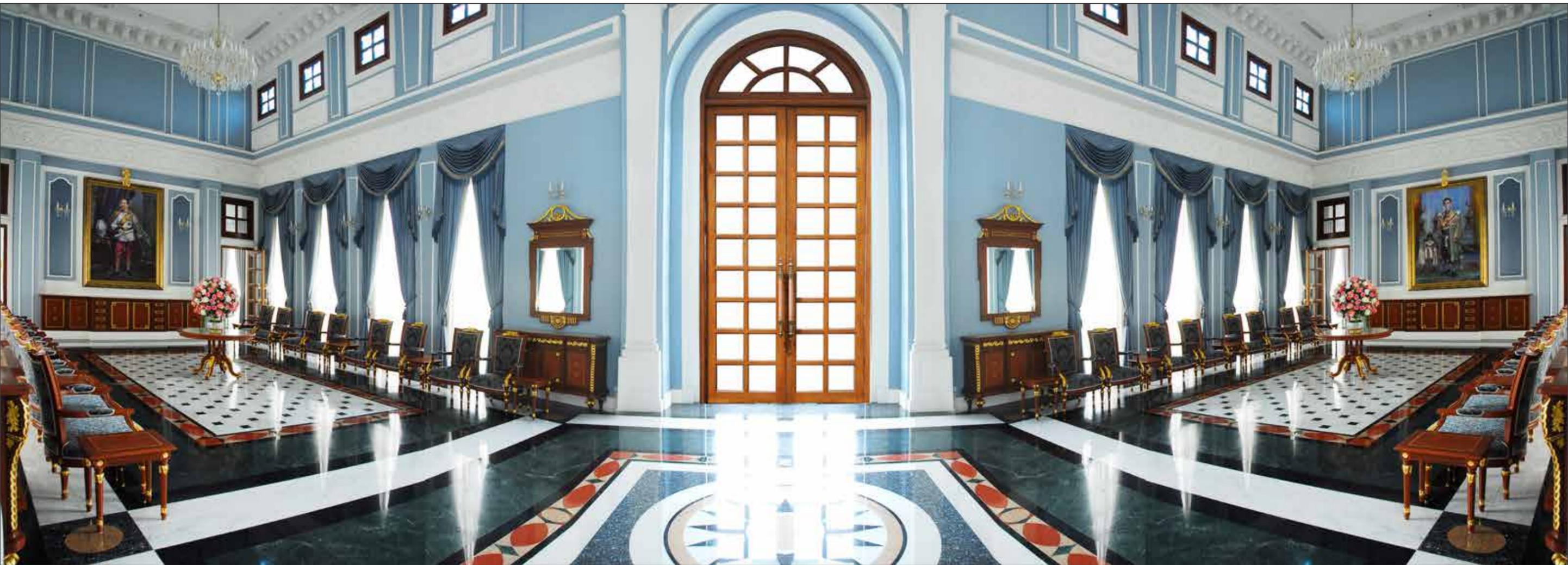
when His Majesty was His Royal Highness Crown Prince Maha Vajiralongkorn, presided over the Laying of the Foundation Stone Ceremony and the Inauguration Ceremony of the Administrative Court Premises.





The Laying of the Foundation Stone Ceremony and the Inauguration Ceremony of the Administrative Court Premises





Reception Building

In memory of the Council of State, the Reception Building was built in colonial style. The facade of the front entrance is engraved with "Council of State as an Advisory of State". The Reception Building was modeled on "Sammati Devaraj Uppabat", the building used for the first meeting of the Council of State in 1874. It is the venue for holding important ceremonies and receiving eminent guests of the Administrative Court.



Inside of the Reception Building

Interesting Cases Adjudicated by the Administrative Court

1. Administrative Cases concerning the Protection of Rights and Liberties of the People

1.1 Dispersal of a group demonstrating against the Thai-Malaysia Natural Gas Pipeline and Gas Separation Plant Project (Thai-Malaysia Natural Gas Pipeline and Gas Separation Plant Project case)

Demonstrators against the construction of the Thai-Malaysia Natural Gas Pipeline and Gas Separation Plant Project gathered to submit a letter to the prime minister and the cabinet requesting a review of the project. The letter was to be submitted while the prime minister and the cabinet were attending a mobile cabinet meeting in Songkhla Province. To control the demonstration, police officers were deployed and a steel barricade was erected along a public street. Authorities tried to negotiate with the demonstrators and asked them to move from the hotel area where the Cabinet meeting was being held to another location in order not to hinder or inconvenience cabinet members who were attending the meeting. The negotiation; however, failed and police used violence to suppress the demonstration which in turn triggered a riot. The Plaintiffs claimed that the dispersal of the demonstration by the police officers did not take remedial measures following procedures under the regulatory frameworks, regulations, cabinet resolutions, and related laws and that the suppression measures used by the police officers were brutal and beyond the scope of necessity. This violated the Plaintiffs' right to assembly under the Constitution.

The Plaintiffs filed a case with the Administrative Court requesting that the Royal Thai Police (Defendant No.1) Songkhla Province (Defendant No.2) and the Ministry of the Interior (Defendant No.3) be ordered to jointly or severally compensate the Plaintiffs for violating their right to public assembly.

The Supreme Administrative Court held that according to Section 44 of the *Constitution of the Kingdom of Thailand, B.E. 2540 (1997)*, which was in effect at the time the case was filed, people shall enjoy the liberty to assemble peacefully without arms. This liberty can only be restricted by virtue of laws specifically enacted in relation to public assembly and to securing public convenience in the use of public places, or for the maintenance of public order during a time when the country is in a state of war, or when a state of emergency or martial law is declared. It was deemed that the right

to public assembly is a vital liberty originating from freedom of expression, an essential element in a democratic society. Freedom of expression allows for the expression of varied opinions and is an important mechanism in resolving or terminating conflicts in a democratic society. It provides opportunities to express opinions, to have open discussions, and to point out existing problems and requests from people or interested groups in society. It also allows the State to identify problems clearly. Non-peaceful assembly or assembly with weapons; however, is specifically prohibited by the Constitution. In this case, the assembly of the demonstrators was public, without intent to instigate or promote violence, cause a riot or cause harm to life or physical safety. There was no evidence that the leaders of the demonstration were carrying or encouraged others to carry arms or had planned for a violent assembly. The demonstrators proceeded in peace and without arms. In addition, the dispersal of the demonstration by the police officers was not carried out to restrict the assembly in order to protect public convenience in using public places according to Section 44 paragraph two of the *Constitution of the Kingdom of Thailand, B.E. 2540 (1997)*; it was done to facilitate the Cabinet meeting even though there were other routes available for the Cabinet to approach the meeting venue. The dispersal of assembly by the police officers excessively restricted the Plaintiffs' right to assembly and was against the Constitution. Also, the use of force by the police officers in dispersing the assembly did not follow correct procedures according to universal principles or conform to security and peacekeeping operations by gradually applying the use of force from minimum to maximum level. Therefore, the dispersal of the demonstration by the police officers deprived the demonstrators of their right to assembly and was wrongful according to Section 420 of the Civil and Commercial Code. Therefore, the Court ordered the Royal Thai Police to pay monetary compensation to the Plaintiffs. (*Supreme Administrative Court Judgment No. A.711/2555*)

1.2 Provision of Equipment and Facilities for the Disabled (The Skytrain Elevator Case)

A group of disabled persons filed a case against state authorities and requested that elevators, equipment and facilities for the disabled be provided inside and outside skytrain stations at twenty-three skytrain stations in the Bangkok Mass Transit System as well as inside trains.

The Supreme Administrative Court held that the concession contract for the Bangkok Mass Transit System between Bangkok Metropolitan Administration (BMA), Defendant No.1, and the Bangkok Mass Transit System Public Company Limited (BTS), Defendant No.4, stipulated that all structures constructed by BTS shall become the property of BMA and that BTS had the right of possession and use of the real property. As BMA was the owner, the Bangkok Governor, Defendant No.2, was directly responsible for providing facilities for the disabled, including universal design for disabled persons, at skytrain stations and in trains as prescribed in the *Ministerial Regulation No.4, B.E. 2542 (1999)* issued under the *Rehabilitation for Disabled Persons Act, B.E. 2534 (1991)*, and *Rule of the Committee of Rehabilitation for Disabled Persons on Standards of Specific Equipment and Facilities for Disabled Persons, B.E. 2544 (2001)*. Even though the concession contract was made prior to the enforcement of the Ministerial Regulation and Rule of the Committee, there was no transitory provision to exempt such regulations from being applied to buildings, vehicles, or other public services existing prior to the enforcement of the Act. Therefore, BMA was responsible for performing its

duty under the relevant laws even though *Ministerial Regulation No.4, B.E. 2542 (1999)* and *Rule of the Committee of Rehabilitation for Disabled Persons on Standards of Specific Equipment and Facilities for Disabled Persons, B.E. 2544 (2001)* were enacted more than six years before the case was filed. The BMA had provided electric escalators and elevators for the disabled in only five out of the twenty-three skytrain stations. Provision of such facilities and universally-accepted



icons for the disabled at the stations and in trains was the responsibility of BMA and the Bangkok Governor. It was therefore deemed that BMA was negligent in its official duty as required by law or performed such duty

with unreasonable delay. As for BTS, it was deemed to be merely the agency entrusted with administrative power to operate the skytrain system in Bangkok under a concession contract and without the official duty to provide facilities and disabled-person icons in the skytrain system. The Court decided that BMA headed by the Bangkok Governor must install elevators and facilities for disabled persons in all twenty-three skytrain stations as well as in the trains. Such facilities included dedicated open space for the disabled of not less than 120 centimeters in width, handrails at a height of 80 centimeters in both ascent and descent ways, and icons of disabled persons inside and outside the trains as prescribed by *Ministerial Regulation No.4 (B.E. 2542)* and *Rule of the Committee of Rehabilitation for Disabled Persons on Standards of Specific Equipment and Facilities for Disabled Persons, B.E. 2544 (2001)*.



The Court also remarked that BTS, as the possessor and user of real property as well as the owner of equipment and control mechanisms under the concession contract should cooperate with the Bangkok Governor in performing such duties. (*Supreme Administrative Court Judgment No. A.650/2557*)

1.3 Admission Requirements for Undergraduate Students (University Admission Case)

The Plaintiff claimed that the Central University Admission System (CUAS) in academic year 2006 was unlawful, unfair, *ex post facto*, and against the Principle of Equality. In that year an applicant for university admission had to pass the Central University Admission System which required that the cumulative grade point average for the three years of senior high school account for 30% and the score from the Ordinary National Education Test (O-NET) and the Advanced National Education Test (A-NET) account for 70%.

The Supreme Administrative Court held that under the *Constitution of the Kingdom of Thailand*, all people have a right to “basic education” but this does not include university education. Further, that according to Section 36 of the *National Education Act, B.E. 2542 (1999)*, state educational institutions shall enjoy autonomy and academic freedom. The Council of University Presidents of Thailand (CUPT) therefore had the power to command that, for the benefit of the applicants and the enhancement of national education quality, the results of the O-NET test must be taken into account for all applicants for university admission. The test results can be used to assess and select qualified applicants for higher education as well as to improve the quality of education and to ensure that the standards of education were equivalent in all educational institutions of the same level. The resolution of CUPT and the Notification of the Ministry of Education which replaced the national entrance examination with the Central University Admission System for university admission were therefore lawful and in accordance with national education law. Additionally, the selection criteria of CUAS

consistently generated competitive activity (through O-NET and A-NET Tests), equally applied to all applicants, and had a system to prevent authorities from exercising discretion. Also, the CUAS selection criteria had only been applied to the applicants in the 2006 academic year. Applicants were measured according to grade point average over a minimum of six semesters or three years of senior high school work. This measurement was considered to be fair. Moreover, the objective of O-NET varied from A-NET. The O-NET system is used to measure the knowledge and proficiency of final year students of upper secondary school whose test scores are used to compute a grade point average (GPA) and cumulative grade point average (GPAX). On the other hand, the objective of the A-NET system was to assess whether the qualifications of applicants for higher education complied with academic requirements. The students of upper high school then can take A-NET as often as the exam is offered but they can take O-NET one time only. The CUAS selection criteria stating the applicants for higher education must submit O-NET scores from the test that the applicants took only one time was rational and constitutional. As the selection criteria of CUAS may affect the achievements of students and educational sectors nationwide, a public hearing was conducted prior to implementation of the CUAS even though public involvement was not required under the Constitution. In this case, it appeared that the public hearing was conducted properly before the authority enforced the CUAS. Therefore, the Court dismissed the case. (*Supreme Administrative Court Judgments No. A.403/2556 and No. A.219/2557*)

1.4 Issuance of Notification of the National Broadcasting and Telecommunications Commission on the Criteria for Important Events which can be Broadcast only on Free Television (FIFA World Cup Final Case)

The Plaintiff, RS International Broadcasting and Sports Management Co., Ltd., an advertising and media business including television, radio and the broadcasting of national and international sport events, claimed that its business suffered as a result of the *Notification of the National Broadcasting and Telecommunications Commission on the Criteria for Important Events which can be Broadcast only on Free Television, B.E. 2555 (2012)* dated 11th December, 2012. This notification required that TV stations not requiring subscription payments (free TV) broadcast live the final match of the World Cup 2014. As the sole concessionaire to broadcast the World Cup's soccer matches in accordance with a contract signed with FIFA, the Plaintiff claimed the copyright to live broadcasting of the FIFA World Cup Final as intellectual property rights of the Plaintiff and stated that such broadcasts were not in the public domain. Further, that the objective of the notification was to give advantage to six free-analogue TV channels. The Plaintiff therefore filed a plaint with the Administrative Court to revoke the notification issued by Defendant No.2 (the National Broadcasting and Telecommunications Commission - NBTC). The Supreme Administrative Court held that NBTC had the power to issue such notification in order to impose measures on regular television services so as to provide fair treatment to the public and to promote and protect the rights of disabled and disadvantaged persons in accessing or using sound broadcasting and television broadcasting programs according to Sections 27 paragraph one (6) and (24) of the *Act on Organization to Assign Radio Frequency and to Regulate Broadcasting and Telecommunications Services, B.E. 2553 (2010)* and Section 36 of the *Broadcasting and Television Businesses Act, B.E. 2551 (2008)*. Even though the notification deprived the Plaintiff of sole rights to broadcast live the final match of the World Cup 2014 via its own digital television channel, the notification was issued according to the law and had the intention to protect the public interest. Additionally, it did not limit the Plaintiff's rights more than to the extent necessary and did not affect the substantial rights of the Plaintiff. The notification therefore was constitutional. However, while drafting the notification NBTC recognized that the Plaintiff was the copyright holder of live broadcasts of the FIFA World Cup Final 2014. Additionally, the Plaintiff had already filed an objection against the NBTC notification. In exercising discretionary power to issue the notification, NBTC should take into account the actual circumstances and the effect such a notification would have on the Plaintiff's rights as sole concessionaire for the broadcast of the 2014 FIFA World Cup matches. However, the notification was issued without taking into consideration the relevant facts. Also, Clause 3 and List No. 7 in the annex of the *Notification of the National Broadcasting and Telecommunications Commission on the Criteria for Important Events which can be Broadcast only on Free Television, B.E. 2555 (2012)* required free TV stations to broadcast live the final match of the World Cup 2014. This was against the law and unfair to the Plaintiff. The Court, therefore, revoked Clause 3 and List No. 7 in the annex of the notification with the condition that the rules shall be quashed only in the Plaintiff's case relating to the broadcast of the 2014 FIFA World Cup Final. In other cases, the notification was still effective. (*Supreme Administrative Court Judgment No. A.215/2557*)

2. Administrative Cases concerning Protection of the Environment and Bio-Health

2.1 Issuance of Notification on Pollution Control Area (Map Ta Phut Case)

In accordance with Thailand's investment support and promotion policy, a set of infrastructure projects was developed by the government to serve industrial needs. The Map Ta Phut Industrial Port was constructed in October 1989 as one of the investment development projects in the Master Plan for the Eastern Seaboard administered by the Industrial Estate Authority of Thailand (IEAT). In 1992, the Cabinet passed a resolution authorizing IEAT to implement land reclamation in Phases 2 and 3 for the Map Ta Phut Industrial Port Development. The IEAT was required to submit an environmental impact assessment report to the Office of Natural Resources and Environmental Policy and Planning (ONEP)



Map Ta Phut Industrial Port Development
Source: <https://www.eeco.or.th/en/project/infrastructure-development/map-ta-phut-port>

and a waterway encroachment application to the Marine Department for approval. While the Director-General of the Marine Department (Defendant No.1) was examining whether IEAT had completely executed mitigation measures required by the environmental impact assessment report according to Section 48 of the *Enhancement and Conservation of National Environmental Quality Act, B.E. 2535 (1992)*, IEAT reclaimed the land for Construction Project Phase 2 before waiting for permission from the Marine Department. Although the Marine Department later granted permission to encroach on waterways, the four plaintiffs claimed that the land reclamation by IEAT caused shore erosion and deterioration to their lands and property located along the shoreline. They therefore filed a plaint requesting the Administrative Court to revoke the permission order of the Marine Department.

The Supreme Administrative Court held that under Section 117, paragraph one, of the *Navigation in Thai Waters Act, B.E. 2456 (1913)*; no person shall construct buildings or other structures that encroach on Thai waters unless permission is obtained from the Marine Department. When a committee of experts has approved an environmental impact assessment report, the official who is legally competent to grant permission or the renewal of permission shall stipulate the conditions under which the permission is given and all mitigation measures proposed in the environmental impact assessment report. When giving

permission, the Marine Department stipulated the necessary mitigation measures but the land reclamation in Phase 2 was undertaken by IEAT before the Marine Department's permission was granted. Therefore, the reclamation carried out by IEAT was against the procedure stipulated under Section 117, paragraph one, of the *Navigation in Thai Waters Act, B.E. 2456 (1913)*; and Section 50, paragraph two, of the *Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992)*. In addition, as the Marine Department took such a long time to issue permission, the land reclamation in the disputed area had already been completed by IEAT before permission had actually been given. This delay by the Marine Department in issuing the permission order contributed to the IEAT's failure to implement the measures stipulated as conditions under which permission was given. Therefore, the permission order of the Marine Department was unlawful. If the court issued an order revoking the Marine Department's permit, IEAT would be forced to restore the property to its previous condition and demolish buildings and structures illegally encroaching on waterways. This would have negative effects on the environment and the prevailing investment atmosphere. According to Section 118 bis, paragraph five, of the *Navigation in Thai Waters Act B.E. 2456 (1913)*; if the characteristics of a building or structure make it permissible and the owner or occupier has paid any penalties determined by the Marine Department, the Marine Department may grant permission for the building to remain. In this case, the Map Ta Phut Industrial Port had characteristics that made it permissible by the Marine

Department subject to Clause 5 of *Ministerial Regulation No.63 B.E. 2537 (1994)* issued under the *Navigation in Thai Waters Act, B.E. 2456 (1913)* and the Marine Department had already granted permission to IEAT.

IEAT was thus obliged to pay a remuneration according to Section 118 bis paragraph five of the *Navigation in Thai Waters Act, B.E. 2456 (1913)*. The Court ruled that the Marine Department must order IEAT to pay remuneration within ninety days from the date of judgment and that if IEAT failed to pay the remuneration within the required time, the permit would be revoked. Also, the Court noted that the Map Ta Phut Industrial Port Project had serious detrimental effects on the surrounding environment and that the project owner must execute all mitigation measures stipulated as conditions for permission of waterway encroachment. The Court ordered the Marine Department to immediately inspect the site to determine whether the measures were executed by IEAT or not, especially those related to mitigation of environmental effect, coastal erosion prevention, and shoreline change. After the inspection, the Marine Department instructed IEAT to manage construction and maintenance of coastal defenses and repair affected areas located in the rear of the project area as well as the embankment dam along the coastal road that were damaged by coastal erosion from the land reclamation. If IEAT failed to execute such measures, the Marine Department was empowered to revoke the permit or to initiate other proceedings which were under its jurisdiction. (*Supreme Administrative Court Judgment No. A.21/2555*)

2.2 Cleanup of Environmental Contamination (Klity Creek Case)

In 1998, newspapers reported that a lead-processing factory located on the outskirts of Thungyai Naresuan Wildlife Sanctuary had been discharging lead into Klity Creek at Chalae Sub-district, Thong Pha Phum District, Kanchanaburi Province. It appeared that this had caused many cases of illness and death among ethnic Karen people residing in the Lower Klity Village. After examining the water and soil in the area, the Pollution Control Department (PCD) found high levels of lead contamination in aquatic animals and soil sediments collected from the area. Meetings were held between government agencies and the Lead Concentrate (Thailand) Co., Ltd., the owner of the lead-processing factory, and measures were set for the Lead Concentrate (Thailand) Co., Ltd. to rehabilitate Klity Creek. These measures were approved by the PCD and included dredging of the waterway and burial of contaminated sediments to protect the sediments from being washed away by rainfall. However, these measures were delayed and the dredging plan was abandoned. Instead, the company constructed a semi-permanent groin to prevent the spread of toxic sediments into the stream. After subsequent checks, high levels of lead contamination continued to be detected in both aquatic animals and sediment samples.

Because Klity Creek was seriously polluted, the Plaintiffs were not able to eat the fish and other aquatic animals obtained from the stream. Previously, this had been a major source of food for the residents around the creek. Without this source of food and clean water, they had to use what money they had to buy food supplies and drinking water.

Twenty-two men, including an assistant village headman and village core leaders, filed a complaint with the Administrative Court requesting the



Pollution Control Department to clean up and rehabilitate Klity Creek and to provide compensation to the Plaintiffs. The Plaintiffs claimed that they had been deprived of their right to use natural resources by PCD's negligence and delay in carrying out its legal duties. To strengthen this claim, it was pointed out that the level of lead contamination in aquatic animals was in excess of the standard level right up to the first date of hearing.

The Supreme Administrative Court held that under Sections 3(3) and 5(2)(c) of the *Royal Decree on Organizational Division of Pollution Control Department, Ministry of Science, Technology, and Environment, B.E. 2535 (1992)* the PCD (Defendant) had the authority and duty to ensure environmental quality management and to develop plans and measures to control, prevent and mitigate pollution; also to prepare emergency plans to prevent and resolve environmental pollution caused by

the spread of pollution and hazardous waste. The PCD; however, had not performed their legal duties but had only ordered the polluter to dredge toxic sediments in the Klity Creek stream. This resulted in an increase of lead contamination in the stream. PCD stated that this was the first occurrence of such a situation in Thailand and that opinions of skilled



experts were needed to solve the crisis. It was obvious that PCD had no intention to develop any environmental quality management plan, correction measures or emergency plan to control, prevent, and mitigate pollution and hazards to the environment as prescribed by law. Additionally, no plan was made by PCD to control or cooperate with the polluter in order to improve the situation. The polluted sediments were dredged and simply left on the bank of the stream. After being ordered by authorities, the company buried the polluted sediments in a landfill but it was found to be too shallow to protect against rain-wash. When rain fell, the toxic pollutants were washed back down into the Klity Creek stream. Therefore, the PCD neglected its duties as prescribed by law to develop plans for environmental quality management and emergency plans to control, prevent, and mitigate pollution and hazardous waste.

After the case was reported to the PCD, they took more than three years to prepare equipment for the construction of the semi-permanent groin. It also took them more than nine months to obtain permission from the Royal Forest Department to access national forest reserves in order to clean up the pollution. It was decided that PCD performed its duty with unreasonable delay in cleaning up and rehabilitating Klity Creek.

The Court ordered PCD to pay monetary compensation amounting to 177,199.55 baht to each plaintiff. Further, PCD was ordered to develop plans and measures for rehabilitation of the area and to perform laboratory testing of samples (water, soil, vegetation and aquatic animals) collected from the Klity Creek stream every season for one year or until the level of lead accumulation in water, soil, vegetation and aquatic animals did not exceed the standard level. (*Supreme Administrative Court Judgment No. A.743/2555*)

2.3 Controlling Contamination and Dissemination of Genetically Modified Genes in Papayas (Transgenic Papayas Case)

The Plaintiff claimed that the Department of Agriculture (Defendant No.1) conducted field trials of genetically modified (GM) papayas in open fields without appropriate measures or equipment to prevent the transfer of genetic materials. The Plaintiff argued that such activity was unlawful as it caused dissemination of GM genes to papayas grown in nearby farms. Moreover, measures used by the Director-General of the Department of Agriculture (Defendant No.2) to examine the contamination by genetically modified organisms (GMO) in farmers' fields were insufficient to control the spread of GMOs.

The Supreme Administrative Court held that the field trials of transgenic papayas were a research project conducted within the scope of powers and duties of Defendant No.1 under permission granted by Defendant No.2 pursuant to Section 8 of the *Plant Quarantine Act, B.E. 2507 (1964)* and Clause 1(1) of *Ministerial Regulation on the Organizational Division of the Department of Agriculture, Ministry of Agriculture and Cooperatives, B.E. 2545 (2002)*. Therefore, Defendant No.1 was not acting beyond the scope of powers and duties when authorizing officials under Defendant No.1 to conduct open field trials of GM papayas.

However, regarding the GMO contamination of papayas grown from seeds that farmers received from the Office of Agricultural Research and Development Region 3 – an agency under Defendant No.1 – papaya seeds were produced and field trials were conducted by Defendant No.1. As the possessor of transgenic papayas – prohibited or restricted materials comparable to plant pests – Defendant No.1 was liable for the damage unless Defendant No.1 can prove that the GMO contamination in farmers' fields was not caused by an action of Defendant No.1 or resulted from other causes for which Defendant No.1 was not liable according to the Principle of Strict Liability. When GMO contamination arose from use of prohibited materials in the possession of Defendant No.1, Defendant No.1 was deemed negligent in performing official duties required by law to oversee the operation of field trials of GM papayas in order to prevent the spread of GMO contamination from such operation. Nonetheless, if there was a plant pest which caused serious damage, Sections 17, 18 and 20 of the *Plant Quarantine Act, B.E. 2507 (1964)* stipulate that Defendant No.2 has the power to declare a plant pest control area and to inspect and destroy the plant pest. Since the GMO contamination of papayas in farmers' fields is considered a plant pest that may cause serious damage, Defendant No.2 had the official duty required by law to inspect and eradicate such contamination. In this case, it appeared that Defendant No.2 had already announced a plant pest control area for the purpose of inspection and eradication of the GMO contamination of papayas in affected areas, and Defendant No.1 had ceased field trials and cut down GM papayas. Defendant No.1 also regularly inspected samples of papayas sold at markets, department stores and farms from September 2004 to May 2005, but did not find any contaminated papaya. After inspecting and eradicating transgenic papayas in accordance with the notification of plant pest control area, Defendant No.2 revoked the notification of plant pest control area. Therefore, Defendant No.2 had fulfilled its official duty required by law to inspect and eradicate the GMO contamination of papayas. Therefore, the Supreme Administrative Court dismissed the plaintiff. (*Supreme Administrative Court Judgment No. A.384/2557*)

2.4 Preparation of Master Plan on Water Resource Management

The Stop Global Warming Association and forty-five persons claimed that prior to the implementation of the Master Plan on Water Resource Management for Sustainable Water Management and National Flood Defense Solutions a public hearing had not been held to obtain the opinions of the people or interested parties. Implementing the Master Plan entailed a budget of approximately 3.4 billion baht and affected the quality of environment, health, sanitary conditions, quality of life, and other material interests of people and local communities. The four defendants in the case were the Prime Minister (Defendant No. 1), the Strategic Committee for Water Resources Management Systems (SCWRMS; Defendant No.2), the National Water Resources and Flood Policy Committee (NWFPC; Defendant No.3), and the Water and Flood Management Commission (WFMC; Defendant No.4). The Plaintiffs claimed that the Defendants had neglected their duties according to the *Constitution of the Kingdom of Thailand, B.E. 2550 (2007)* and related laws. The Plaintiffs requested that the Administrative Court of Thailand revoke the Master Plan on Water Resource Management and order the Defendants to arrange public hearings to obtain the opinions of people and interested parties prior to implementing such a plan.

The Supreme Administrative Court held that according to Sections 57 and 67 of the *Constitution of the Kingdom of Thailand, B.E. 2550 (2007)* a public hearing process must be organized prior to implementing a project or activity which may affect the quality of the environment, health and sanitary conditions, quality of life or any other material interests of persons or local communities. The purpose of such public hearing is to obtain the opinions of people and interested parties regarding



the planned project or activity. For the public hearing to be successful, the relevant project or activity must be concrete and have sufficient information for a reasonable person to foresee any possible effect on the quality of environment, health and sanitary conditions, quality of life or other material interests of local communities. In this case, the master plan was merely a conceptual framework that in itself did not have any effect on the quality of the environment, health and sanitary conditions, quality of life or any other material interests of local communities. Moreover, the Master Plan was not a plan for national socio-economic and political development, expropriation, or town planning; all of which could affect the material interests of people and require a public hearing prior to implementation. Therefore, the Master Plan on Water Resource Management was lawful. The Court dismissed the case. (*Supreme Administrative Court Judgment No. A.472/2557*)

3. Administrative Cases concerning Administrative Contracts

Payment of Advertising Revenue under the Television Program Co-Production Agreement (Rai Som Case)



Rai Som Company Limited (the Plaintiff) had contracts with the Defendant, the Mass Communication Organization of Thailand (MCOT), to co-produce “Kui Kui Khao”, a news talk show aired on Modern Nine TV every Monday-Friday for thirty minutes and every Saturday and Sunday for fifty-five minutes with advertising time included. Under the agreements, the Plaintiff was required to pay the state-controlled MCOT a fee for additional advertising time at the rate of 200,000-240,000 baht per minute. MCOT later found that the Plaintiff used more than its allocated advertising time and demanded the Plaintiff pay 138,790,000 baht for the additional advertising time. The Plaintiff agreed to pay the fee and sought a 30% trade discount. MCOT refused this request and also demanded the Plaintiff pay an additional amount for advertising time because they had miscalculated the initial fee. The Plaintiff refused and claimed that subject to existing contracts MCOT was obliged to provide a trade discount on the purchase of additional advertising time to the Plaintiff. Before the broadcasting of the news program each day, the Plaintiff was required to submit an advertising queue report to the Defendant for approval with clear details of the advertised product, the name of the advertising campaign, and the amount of advertising time. The Plaintiff claimed that the agreements stated that if the advertising time in the report submitted by the Plaintiff exceeded share time, it was deemed that the Plaintiff had sent an offer to MCOT to purchase additional advertising time and MCOT was obliged to inform the Plaintiff of the price after deducting a trade discount. MCOT; however, did not inform the Plaintiff of any additional fees when the Plaintiff sent the offers, so it was held that MCOT had accepted the Plaintiff’s offers. The Plaintiff also claimed that MCOT had

exceeded its permitted advertising air time and failed to pay additional advertising fees to the Plaintiff. The Plaintiff requested the Court to order MCOT to pay 55,523,763.38 baht in rebates, which was the excess amount paid by the Plaintiff, plus interest. Also, the Plaintiff requested 253,026,691.12 baht (including interest) as fee payment for excess usage of share time by MCOT.

The Supreme Administrative Court held that the agreements between the two parties did not clearly state that parties shall receive a trade discount on excess usage of shared time, nor what discount rate would be applied. Therefore, the parties to the contract would need to agree on a case by case basis. The Plaintiff submitted purchase orders and proposals for trade discounts for additional advertising time to a person in the MCOT Marketing Department but the advertising queue reports submitted by the Plaintiff only detailed the advertising campaign and advertising time. Also, these reports were not signed by a person in charge.

The Plaintiff’s advertising queue reports were not purchase orders requesting a trade discount from MCOT for additional advertising time. If the Plaintiff thought it had contractual rights to obtain a trade discount, the Plaintiff could refuse to pay the full amount when receiving invoices from MCOT until the trade discount was deducted. The Plaintiff; however, readily agreed and paid the full amount for additional advertising time without objection. This shows that the Plaintiff did not intend to request a trade discount. By not providing a trade discount

to the Plaintiff, MCOT did not breach the contract and was; therefore, not obliged to pay rebates to the Plaintiff. In addition, according to the contract, time sharing was set at 50:50. The Plaintiff did not have to pay airtime rental for its news talk show to MCOT. Equal advertising time was granted to each party and each had the right to sell advertising time at any price not less than the minimum price stipulated in the contract. The parties also had the right to sell additional advertising time but they had to pay an advertising fee at the contracted price. However, the agreement did not state that MCOT was obliged to pay the Plaintiff a fee for additional advertising time if MCOT sold the excess advertising time. As owner of the television station and broadcasting airtime, MCOT had the right to manage its own television airtime. Also, the sale of excess airtime by MCOT caused no negative effect on, nor violated the shared time rights of, the Plaintiff. Therefore, MCOT was not obliged to pay additional advertising fees to the Plaintiff. The Court dismissed the case. (*Supreme Administrative Court Judgment No. A.697/2558*)





International Role of the Thai Administrative Court

Knowledge of public law and administrative law procedures in Thailand has become a topic of interest and broad study over the past ten years. Studying to enhance knowledge of administrative law is needed in order to set plans and establish adjudication benchmarks for the Administrative Court in order to firmly establish the principles of administrative law and the administrative justice system in the future. One aspect of this development of knowledge is comparing laws and studying the experiences of foreign countries that have experience in resolving administrative disputes. Even though the legal systems as well as social and economic conditions in those countries may be different from Thailand, it is of benefit to study their systems of administrative law to learn about legal procedures in deliberation of cases and to consider how they might be adapted to suit the needs of the Administrative Court.

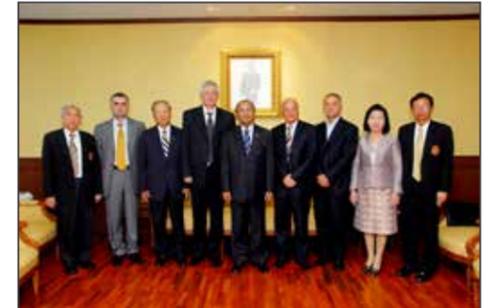
Therefore, the Administrative Court has given much attention to finding reputable international organizations that can facilitate technical cooperation in the field of public law. Agreements have been made in order to build and develop good relationships between the Administrative Court and Office of the Administrative Courts with foreign foundations, governments and administrative judicial organizations. Promoting good relations at the international level is a matter of special importance to the Administrative Court. International cooperation activities are as follows:

Part 1: Technical Cooperation and Study Visits



Albania

- On 20th August, 2008, Mr. Emir Dobjani, National Inspector of the Republic of Albania, and a group of officials visited the President of the Supreme Administrative Court. The group also attended a lecture at the Office of the Administrative Courts summarizing the structure and jurisdiction of the Administrative Court as well as on filing administrative cases and procedures used in adjudicating administrative cases.



Australia

The Office of the Administrative Courts has had technical cooperation agreements with entities from the Commonwealth of Australia since the inauguration of the Administrative Court in 2001. Under the Public Sector Linkages Programme (PSLP), the Australian Agency for International Development (AusAID) sponsored a study visit of Administrative Court officials to the Administrative Appeals Tribunal (AAT) for the purpose of learning and observing effective IT application in administrative judicial proceedings. There was also a study visit for comparative studies on administrative laws and case management. Additionally, representatives from the Administrative Court of Thailand and representatives from Australian judicial organizations exchanged official visits from time to time as follows:

- During 3rd – 11th February, 2007, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, accompanied by the Vice President of the Supreme Administrative Court and executives of the Administrative Court and Office of the Administrative Courts visited the Australian Administrative Appeals Tribunal (AAT) and the Federal Court of Australia;



- On 9th March, 2011, Honorable Justice Brian J. Preston, Chief Judge of the Land and Environment Court in New South Wales visited the Administrative Court of Thailand and delivered a lecture at the Office of the Administrative Courts entitled “Alternative Dispute Resolution in Administrative Disputes”; and

- During 9th - 15th September, 2012, a delegation of judges of the Administrative Court conducted a study visit to Australia to learn about “Natural Resources and Environmental Management: Forest, Soil and Water”. The judges participated in a lecture-discussion entitled “The Order to Perform or Restrain to Perform the Act” and “The Prevention of Future Damage” delivered by the Honorable Justice Brian J. Preston, Chief Judge of the Land and Environment Court in New South Wales.



Canada

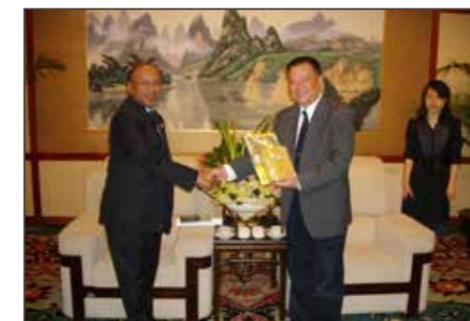
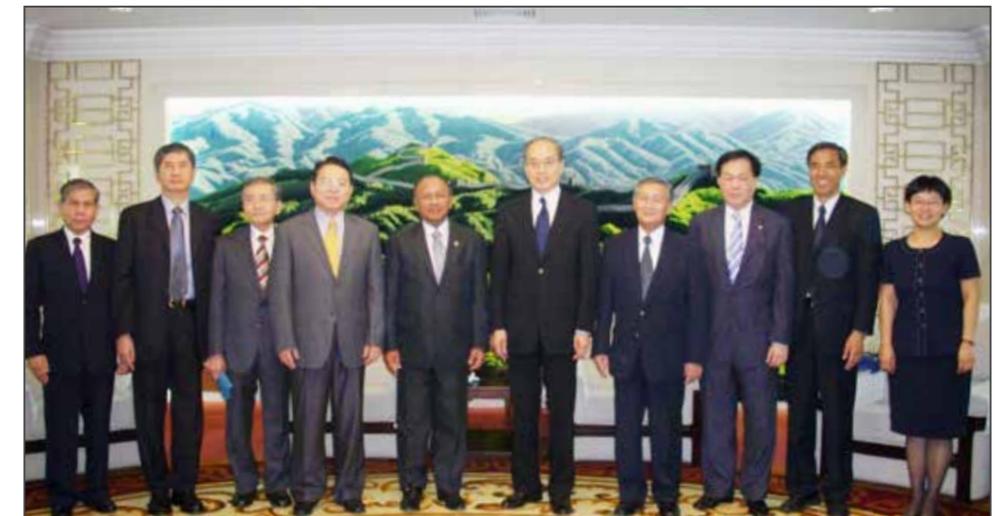
- From 25th April to 1st May, 2009, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, and accompanying delegation attended a meeting of the steering committee for the International Association of Supreme Administrative Jurisdictions (IASAJ) in Ottawa, Canada.



China

- Mr. Mu Dongsheng, Vice Governor of Qinghai Province, Mr. Sun Yu, Vice Governor of Guangxi Province and Mr. Ma Kaiming, Vice Governor of Sichuan Province, visited the Administrative Court from 23rd to 28th October, 2002.

- From 9th to 15th June, 2010, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, accompanied by his delegation visited the Chinese People’s Association for Friendship with Foreign Countries (CPAFFC). During the visit, the delegation had a chance to pay an official visit to the Supreme People’s Court of the People’s Republic of China, the Supreme People’s Court of Guangdong, and the People’s Congress of Guilin. Discussions during these visits focused on judicial systems and possible opportunities for further cooperation.



Colombia

- From 7th to 11th April, 2013, Mr. Kasem Comsatyadham, Vice President of the Supreme Administrative Court, and accompanying delegation, attended the 11th General Conference of the International Association of Supreme Administrative Jurisdictions (IASAJ) entitled “Administrative Court Judges and Environmental Law” held in Cartagena, Colombia.





Czech Republic

- From 23rd to 28th October, 2011, judges of the Administrative Court attended the 24th Conference of the World Law Association in Prague, Czech Republic.



Egypt

- From 19th to 25th October, 2008, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, and accompanying delegation visited the Arab Republic of Egypt to attend a lecture on the “Execution of Decisions of Administrative Courts”.



European Union

- On 13th July, 2004, Dr. Andreas List, First Counsellor and Deputy Head of Mission, European Commission Delegation to Thailand, delivered a lecture on “Relations between the European Commission and Thailand”.

- In 2006, the Administrative Court and the Delegation of the European Commission to Thailand co-hosted the symposium on “Development of Administrative Justice and Administrative Law: Sharing the Experiences of Thailand and EU Member States” to mark the 5th Anniversary of the Inauguration of the Administrative Court at the InterContinental Hotel, Bangkok.



- On 9th March, 2009, H.E. Mr. David Lipman, Ambassador and head of a group of representatives from the European Commission in Thailand, participated in a seminar entitled “State Legal Principles and Democracy – Experiences of Thailand and The European Union”. Executives from the Administrative Court and experts from numerous countries attended the seminar which was conducted to commemorate the 8th Anniversary of the Administrative Court and 30th Anniversary of Thailand - European Union relations.



Finland

- During 23rd – 29th August, 2004, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court and his delegation paid a study visit to the Supreme Administrative Court of Finland, the District Court of Helsinki, and the District Court of Kuopio.





France

Since the inauguration of the Administrative Court in 2001, the French government through the French Embassy to Thailand has provided valuable support to the Office of the Administrative Courts. Such support has been through scholarship funds for personnel of the Administrative Court to study in France for master's and doctoral degrees in public law as well as scholarships for short-term training at Ecole nationale d'administration (ENA) and long-term training courses at Institut régional d'administration de Metz. The French government also sent Mr. Jean-François Cousin, expert in administrative law and administrative case procedure, to be an advisor at the Office of the Administrative Courts. Further, the French government provided funding support for academic lectures to Administrative Court personnel in Thailand by speakers from French universities including Université Toulouse 1 Capitole, Université de Nantes, Université Paris 5 Descartes, Université de Grenoble Alpes, Université de Bordeaux. In addition, judges and officials of the Administrative Court were honored to have the opportunity to attend special lectures delivered in Thailand by Conseillers d'Etat from the French Council of State.

- On 13th July, 2004, Prof. René Hostiou, expert in public property from Université de Nantes, delivered a lecture on "Public Property" at the Office of the Administrative Courts.



- From 4th – 8th October, 2004 at the Office of the Administrative Courts, Mrs. Célia Vérot, Member of the French Council, delivered a lecture on "The French System of Administrative Law" as part of a technical cooperation project between the French government and the Administrative Court of Thailand.



- From 13th to 20th December, 2009, Prof. Isabelle Poirot-Mazères and Prof. Sophie Théron from Toulouse 1 Capitole University paid a courtesy visit on the President of the Supreme Administrative Court and delivered a lecture as part of the Continuing Lecture Series for Judges of Administrative Courts 10/2009. Lectures were entitled "Legal Techniques used by Judges of the Supreme Administrative Court in Making Decisions" and "Using Administrative Authority in Maintaining Peace and Order".



- On 9th November, 2010, Prof. Florence Crouzatier-Durand and Prof. Nathalie Laval-Mader from Toulouse 1 Capitole University paid a courtesy visit on the President of the Supreme Administrative Court. The two professors delivered lectures to judges of the Administrative Court from 7th – 12th November, 2010 at the Office of the Administrative Courts.



- On 6th October, 2015, Prof. Vincent Dussart from Toulouse 1 Capitole University delivered a lecture entitled "La place et le rôle des juridictions financières" (The Role and Duty of Courts Empowered to Adjudicate Financial Cases). On 9th October, Prof. Dussart participated in a roundtable discussion on "Cour de la discipline budgétaire et financière" (French Court of Financial Discipline and Budgets).





- On 3rd August, 2016, the Office of the Administrative Courts organized a lecture entitled “Les lois du service public” delivered by Prof. Philippe Raimbault, President of Université Fédérale Toulouse Midi-Pyrénées and former Director of Sciences Po Toulouse. This lecture was organized under the technical cooperation program between the French Embassy to Thailand and Office of the Administrative Courts for the year 2016.



- On 23rd September, 2017, a seminar was conducted by Prof. Alain Parienté from Université de Bordeaux 4 on the topic “Les juridictions financières en France” at The Grand Pacific Sovereign Resort & Spa, Phetchaburi Province. The seminar was attended by Hon. Mr. Piya Patangta, President of the Supreme Administrative Court, Dr. Charnchai Sawangsagdi, Vice President of the Supreme Administrative Court, administrative judges, and Dr. Orapin Phonsuwan Sabyeroop.



- On 19th December, 2017, Prof. Jean-François Brisson from Université de Bordeaux, delivered the lecture on “Propriété publique”. This lecture was organized under the technical cooperation program between the French Embassy to Thailand and the Office of the Administrative Courts for the year 2017.



- On 27th November, 2018, Prof. Florence Crouzatier-Durand from Université Toulouse 1 Capitole, delivered a special lecture on “Retrait, abrogation et annulation des actes administratifs en étudiant le pouvoir de modulation du juge administratif”. This lecture was organized under the technical cooperation program between the French Embassy to Thailand and the Office of the Administrative Courts for the year 2018.



- On 6th February, 2019, Prof. Jean-Pierre Théron from Université Toulouse 1 Capitole, delivered a special lecture on “La Responsabilité administrative”. The lecture was broadcast via videoconference to Regional Administrative Courts.



- On 5th March, 2019, the Office of the Administrative Courts organized a lecture and focus group discussion on the topic “Recours administratif préalable obligatoire: la substitution de la décision de recours à la décision initiale”. The lecture was delivered by Conseiller d’Etat Mattias Guyomar, President of the 10th Chamber of the French Council of State.

These technical activities enhance knowledge and understanding of French administrative law and enable personnel of the Administrative Court to apply the knowledge gained from the activities to administrative case adjudication and to the establishment of the principles of administrative law and administrative procedure. Since 2015, the Office of the Administrative Courts has organized training programs on administrative law at Université Toulouse 1 Capitole for judges of the Administrative Court. The aim of the program is to strengthen knowledge and understanding of the fundamental principles of French administrative law and the French administrative justice system. Judges of the Administrative Courts of Thailand have been able to use the knowledge gained to enhance the performance of their duties. To date, four groups, totaling sixty-two judges, have completed the training.



Council of State of France

The Council of State of France is an administrative adjudication body with a long history and has been a model for the Administrative Court of Thailand since the time of His Majesty King Chulalongkorn. The Council of State of France and the Administrative Court of Thailand have maintained close relations through mutual visits by executives and delegations of judges of both organizations. Experts from the Council of State of France have visited the Administrative Court of Thailand on many occasions to deliver lectures to the personnel of the Court as follows:

- Mr. Bruno Lasserre, Vice President of the Council of State of France, assigned Mr. Mattias Guyomar, Conseiller d'Etat, to visit the Administrative Court of Thailand to be a keynote speaker on the occasion of the 17th Anniversary of the Inauguration of the Administrative Court on 9th March, 2018. Also, Mrs. Martine de Boisdeffre, President of Report and Studies Section, together with Mr. Yves Gounin, Head of International Affairs,

came to visit the Administrative Court of Thailand to discuss technical cooperation between the Council of State of France and the Administrative Court of Thailand and to strengthen mutual relations between the two organizations in the future. During their visit, they delivered lectures on 'Le Conseil d'Etat et les lois de Bioéthique' and 'Le Conseil d'Etat français' for personnel of the Administrative Court.



Germany

Since its inauguration in 2001, the Administrative Court of Thailand has developed technical cooperation with various agencies from the Federal Republic of Germany as follows:

[German-Southeast Asian Center of Excellence for Public Policy and Good Governance \(CPG\)](#)

The Administrative Court of Thailand and the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) have been collaborative partners since 2011. The CPG has offered German language scholarships and courses taught at Thammasat University, as well as public law training scholarships under the CPG Spring School Program. From 2014 to 2018, there were five officials from the Office of the Administrative Courts selected and offered CPG scholarships. Furthermore, the CPG has continuously invited the judges and personnel from the Administrative Court to be guest speakers and participants in academic conferences. Technical cooperation with the Administrative Court of Thailand also includes collaboration in the following activities:

- On 26th August, 2013, H.E. Prof. Miroslaw Wyrzykowski, Judge of the Constitutional Court of Poland and an expert in public law, delivered a lecture entitled "Development of Administrative Law in Poland"; and



- Training Course on “German Administrative Law” for judges of the Administrative Court (Batch 1), during 24th – 30th June, 2018, at Faculty of Law, University of Münster, Germany.



Konrad Adenauer Stiftung, Thailand Office

The Administrative Court of Thailand and Konrad Adenauer Stiftung, Thailand Office have entered into numerous technical cooperation agreements since 2001. Konrad Adenauer Stiftung, Thailand Office provides support for the development and dissemination of materials produced by the Administrative Court of Thailand which are used to enhance knowledge of public law and administrative law, as well as to promote the Administrative Court of Thailand. Following, is a summary of the major activities conducted under technical cooperation agreements between the two entities.

• *Training courses and seminars*

- Training for administrative judges, administrative case officials, and administrative court officials. Training topics included administrative court procedure, execution of the Administrative Court’s judgments/decisions, public law related to economics, budgetary and financial discipline.



- Training for State officials relating to administrative case execution for administrative agencies.



- Training for the general public relating to access to administrative justice.

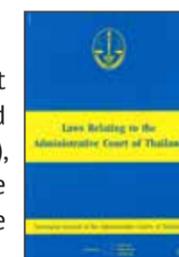


• *German language training*

German language training was provided by the Goethe Institute for Administrative Court officials. From 2003 to 2018, there were 61 officials awarded scholarships to study German Language at the Goethe Institute.

• *Publications and printing*

Act on Establishment of Administrative Courts and Administrative Court Procedure (No.9), B.E. 2560 (2017), and history of the Administrative Court of Thailand are examples.



Further examples of cooperation activities:

- During 19th – 23rd August, 2002, Prof. Dr. Heinrich Siedentopf and Prof. Dr. Karl Peter Sommermann delivered lectures and participated in a seminar entitled “Court Administration and Personal Development in Germany”;



- On 31st March, 2006, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, and Dr. Charnchai Sawangsagdi, Judge of the Supreme Administrative Court, participated in an international conference organized to mark the retirement of Prof. Dr. Hienrich Siedentopf, professor at the German University in Speyer; and

- During 25th June – 2nd July, 2016, Hon. Mr. Piya Patangta, President of the Supreme Administrative Court and a delegation of judges of the Supreme Administrative Court visited the Federal Republic of Germany on a study visit under the heading “Climate Change and Green Energy – The Role of the Supreme Administrative Court”. The study visit was sponsored by the Konrad Adenauer Stiftung.



Konrad Adenauer Stiftung, Rule of Law Program Asia

The Administrative Court of Thailand has cooperated and collaborated with Konrad Adenauer Stiftung, Rule of Law Program Asia. Basically, the two entities cooperate in co-hosting symposiums and seminars as seen in the following examples:



- A symposium on “The Status of Environmental Law and Measures of Environmental Protection” hosted on 4th March, 2011, on the occasion of the 9th Anniversary of the Administrative Court and the 24th Anniversary of Konrad Adenauer Stiftung, Thailand Office;
- A symposium on “Guarantee of the Right to Access to the Administrative Jurisdiction” hosted on 9th March, 2012, on the occasion of the 10th Anniversary of the Administrative Court;
- An international symposium on “Justice and Environmental Pollution across the Border in the Region” (Environmental Justice on ASEAN Transboundary Pollution), hosted on 5th November, 2014; and
- Academic Sessions on the topic “Administrative Justice: Current Issues and New Challenges” hosted on 8th – 9th March, 2018, on the occasion of the 17th Anniversary of the Administrative Court.



Greece

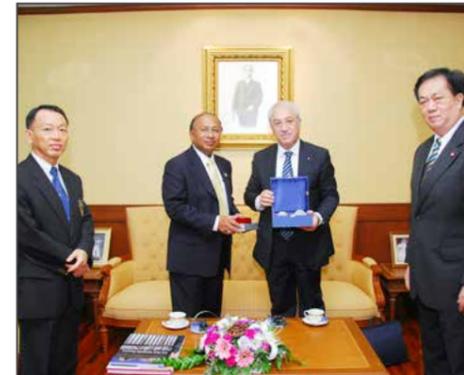
- Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, delivered the opening speech at the 7th Annual John Anastopoulos Conference in Athens, Greece on 2nd June, 2006.



European Public Law Organization (EPLO)

- Since the signing of a memorandum of understanding on technical cooperation between the Office of the Administrative Courts and the European Public Law Organization, a number of collaborative activities have been conducted. In 2006, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, delivered

a lecture on “The Development of Thai Administrative Justice and Thai Administrative Law. Also, Prof. Dr. Spyridon Flogaitis, Director of the European Public Law Organization, participated in a symposium organized by the Administrative Court of Thailand and participants of the Training Course on Administrative Justice for Executives paid a study visit to the European Public Law Organization.



- During 10th - 11th May, 2010, Prof. Dr. Spyridon Flogaitis, Director of the European Public Law Organization, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court. The courtesy call was also attended by Dr. Hassavut Vititviriyakul, President of a Chamber of the Supreme Administrative Court and Associate Professor Dr. Vishnu Varunyou, Judge of the Supreme Administrative Court. During this visit, Prof. Dr. Flogaitis delivered a lecture on “New

Issues on Public Law in Europe and Influence of European Law on Greek Administrative Law as part of the cooperation program between the Administrative Court and the European Public Law Organization under the Continuing Training Program for Judges of the Administrative Courts of First Instance.

- Since 2014, the Office of the Administrative Courts has organized training programs for judges and executives of the Administrative Court at the European Public Law Organization. These programs aim to strengthen participants’ knowledge and understanding of administrative case procedure and case management. So far, five groups, totaling seventy-six judges, have attended the training programs.



- On 22nd, March, 2019, Hon. Justice Vishnu Varunyou, Vice President of the Supreme Administrative Court, chaired a discussion between Prof. Dr. Spyridon Flogaitis, Director of European Public Law Organization (EPLO), and representatives of the Office of the Administrative Courts: Mr. Yuttana Sritrakul, Advisor to the Office of the Administrative Courts, Mr. Kongphop Sukijbumrung, Director of Foreign Affairs Bureau, Ms. Surangkana Hirunwattanasin, Director of Administrative Judge and Official Training Institute, and officials concerned. The discussion focused on technical cooperation between the Administrative Court and EPLO.



Hungary

- Dr. Katalin Szili, President of the Council of State of the Republic of Hungary, accompanied by Mr. Zoltan Lomnici, President of the Supreme Court of Hungary, welcomed the President of the Supreme Administrative Court of Thailand in his capacity as President of the International Association of Supreme Administrative Jurisdictions during his official visit to the Council of State of Hungary on 18th April, 2005 in Budapest, Hungary.



India

- Representatives from the Administrative Court of Thailand attend the International Conference of Chief Justices of the World (ICCIW) in India every year. It is held in accordance with Article 51 of the Indian Constitution by the World Unity Education Department (WUED) of City Montessori School (CMS). Administrative judges from Thailand have attended the 12th through to the 19th conferences in order to share information on Thai administrative laws relating to human rights, the environment and sustainable development, and unity and peace. Each year; legal luminaries, chief justices of the world, leaders and peace promoters as well as CMS students attend the conference.



Indonesia

- On 16th June, 2006, officials from the National Institute of Public Administration, Indonesia, visited the Office of the Administrative Courts.



- A group of judges from the Supreme Administrative Court attended "Roundtable for ASEAN Chief Justices and Senior Judiciary on Environmental Law and Enforcement" from 6th to 7th December, 2011 in Jakarta, Indonesia.



- On 11th November 2014, Mr. Kasem Comsatyadham, Vice President of the Supreme Administrative Court, welcomed a delegation of justices of the Supreme Court and High Administrative Court of the Republic of Indonesia. The justices were participating in a study visit to the Administrative Courts to enhance their knowledge and understanding of Thailand’s system of administrative justice. The study visit is the latest activity in a long and amicable relationship that exists between the Supreme Court and High Administrative Court of the Republic of Indonesia and the Administrative Court of Thailand.



Italy

- H.E. Mr. Alberto de Roberto, President of the Italian Council of State, paid an official visit to the Administrative Court on 8th December, 2003.

- From 28th April to 6th May, 2005, Mr. Akarawit Sumawong, Vice President of the Supreme Administrative Court, and accompanying delegation conducted a study visit to the Council of State of Italy and the Administrative Tribunal of Lazio.



Japan

- From 28th March to 3rd April, 2009, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, and accompanying delegation conducted a study visit to the Supreme Court and Prefecture Court in Osaka, Japan.

- On 6th August, 2009, Mr. Katsumi Kakazu, Director General of the Japan Foundation Bangkok, delivered a speech and Prof. Dr. Noriko Okubo, Professor in the Graduate School of Law and Politics, Osaka University; gave a presentation on “Social, economic, political, administrative and cultural factors that influence the Japanese system of justice”. The presentation focused on factors relating to environmental law and enforcement of environmental law from past to present.



- In 2018, Prof. Mark Dalton Fenwick from the Faculty of Law of Kyushu University, delivered an academic presentation on “Regulatory Sandboxes: Innovation Used by Administrative Agencies for Regulating New Technology Launched by the Private Sector”. The presentation was delivered at the Administrative Court premises and broadcasted through a video-conference system to all Regional Administrative Courts.



Korea, South

- Mr. Piya Patangta, Vice President of the Supreme Administrative Court and Acting President of the Supreme Administrative Court, formally opened the initial meeting of the “e-Admincourt Feasibility Study Project”, a cooperative project between the Office of the Administrative Courts and the National IT Industry Promotion Agency (NIPA), Republic of Korea. Chief Judge Kang Min-Koo, President of Supreme Court Library of Korea and Judge Yi Kiri, Director of Judicial Research, honored the Administrative Court by delivering presentations at a seminar organized by the Administrative Court entitled “Administrative Court Judicial Process Quality and Efficiency Improvements using Information Technology (Experience from the Justice Court of Korea)” held from 10th - 11th April, 2017.





Laos

The Administrative Court of Thailand and Lao People's Democratic Republic initiated a cordial relationship in the Asia – Pacific Courts Conference 2010 hosted in Singapore. At that time, H.E. Mr. Khampha Sengdara, Vice President of the People's Supreme Court of Lao PDR, discussed with Hon. Mr. Kasem Comsatyadham, Vice President of the Supreme Administrative Court, concerning the possibility of sending a delegation of judges or representatives from Lao PDR to visit and study at the Administrative Court of Thailand. Subsequently, H.E. Mr. Wittawat Srivihok, Thailand's Ambassador to Lao PDR, escorted H.E. Mr. Khamphanh Sitthidampha, President of the People's Supreme Court, and his delegation to pay a courtesy call on Hon. Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, in 2012.

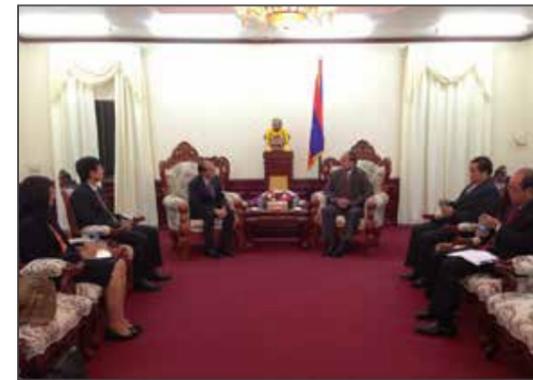
Later, on 25th February 2013, in Vientiane, the Administrative Court of Thailand and the People's Supreme Court of Lao PDR signed a Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation.

In 2015, the Thailand International Cooperation Agency, Ministry of Foreign Affairs, requested the Administrative Court of Thailand to implement a project to establish an Administrative Case Division in the People's Supreme Court of Lao PDR. The Ministry of Foreign Affairs of Thailand believed that this project is significant in terms of enhancing good governance in Lao PDR, improving the country's development, extending cooperation networks between Thailand and Lao PDR, and more importantly, promoting Thailand to be the regional center for judicial excellence. The Ministry of Foreign Affairs of Thailand also provides funds for the implementation of a "3-year Technical Cooperation Plan for the Establishment of an Administrative Case Division in the People's Supreme Court of Lao PDR". The plan calls for the sharing of useful knowledge, expertise, and experience relevant to public law and administrative law with the People's Supreme Court of Lao PDR, and for supporting the People's Supreme Court of Lao PDR in establishing its Administrative Case Division.



The implementation of activities under the 3-year technical cooperation plan is monitored and supervised by the in-charge committee under the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation. The 3-year technical cooperation plan consists of three action plans as follows:

1) Action plan for drafting the law on the establishment of the Administrative Case Division as well as for other relevant laws in order to lay the foundation for the establishment of an Administrative Case Division and relevant legal procedures;



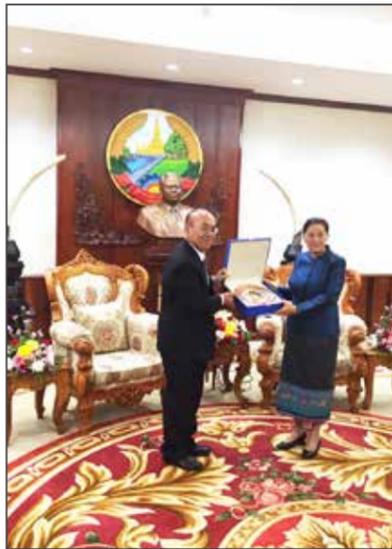
2) Action plan for human resource management which includes equipping the personnel of Administrative Case Division with relevant knowledge and expertise at both fundamental and advanced levels, as well as sharing useful perspectives and experience related to the principles of public law, administrative law, administrative case procedure, and administrative best practices with the personnel of Administrative Case Division; and



3) Action plan for public relations and promotions concerning the inauguration of Administrative Case Division for the purpose of raising awareness of the importance and necessity of the Administrative Case Division as well as its roles and responsibilities.



• During 15th - 16th August, 2016, President of the Supreme Administrative Court together with the executives of the Administrative Court and the Office of the Administrative Courts visited Vientiane, Lao PDR in order to enhance the relationship between the People's Supreme Court of Lao PDR and the Supreme Administrative Court of Thailand and to harmonize the policies and direction of the 3-year plan of technical cooperation to establish the administrative chamber in the People's Supreme Court of Lao PDR. On this occasion, the President of the Supreme Administrative Court and the delegations also met Mrs. Pany Yathotou, President of the National Assembly and Mr. Seni Myanglavan, Vice President of the State Audit Organization of the Lao PDR.



Lithuania

• From 13th to 15th April, 2008, Hon. Dr. Ackaratorn Chularat, President of the Administrative Court, and his accompanying delegation attended a meeting of the steering committee for the International Association of Supreme Administrative Jurisdictions (IASAJ) in Vilnius, Lithuania.



Mexico

• Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, attended a conference on "Views on Tax Law and Administrative Law in America and Europe at the Beginning of the 21st Century". The conference was held from 27th to 31st August, 2006.



Singapore

• From 28th to 29th January, 2016, Mr. Piya Patangta, Vice President of the Supreme Administrative Court and acting President of the Supreme Administrative Court, attended the International Conference on Court Excellence 2016 entitled "Judiciary of the Future" organized by the State Courts of Singapore at the Fullerton Hotel, Singapore.



• In 2016, at the 12th Coordinating Meeting of the Civil Service Exchange Programme (CSEP), the Administrative Court agreed with the State Courts of Singapore to a mutual exchange of knowledge and experience in legal and judicial matters. To strengthen knowledge and provide a forum for the exchange of experiences between the two organizations, experts from the State Courts of Singapore were invited to deliver a lecture on the International Framework for Court Excellence (IFCE) at the Administrative Court in 2017.



• In 2018, a video-workshop on "The Use of Technology in Court: Sharing Experience with the State Courts of Singapore" was delivered from the State Courts of Singapore to the Administrative Court of Thailand. The workshop was broadcast to the Central Administrative Court and to all Regional Administrative Courts.



Slovenia

• Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court in his capacity as President of the International Association of Supreme Administrative Jurisdictions, participated in a conference of the Steering Committee of the International Association of Supreme Administrative Jurisdictions on 8th – 12th April, 2006.



Spain

• The President of the Supreme Administrative Court and executives of the Administrative Court participated in the 8th Conference of the International Association of Supreme Administrative Jurisdictions in Madrid, Spain between 26th and 28th April, 2004 and had the opportunity to present to the conference Thailand's National Report compiled by the former Vice President of the Supreme Administrative Court, Dr. Bhokin Bhalakula. They also took an English translation of the Constitution of the Kingdom of Thailand, an English and French translation of the *Act on Establishment of the Administrative Courts and Adjudication of Administrative Cases, B.E. 2542 (1999)* and copies of the regulations governing administrative case adjudication to present to the association. The members of the association praised the report and remarked that the administrative laws and regulations governing adjudication of administrative cases were efficient. During the conference, Hon Dr. Ackaratorn Chularat, President of the Supreme Administrative Court of Thailand, was appointed President of the International Association of Supreme Administrative Jurisdictions for a period of three years commencing on 28th April, 2004.

• On 7th January, 2013, Prof. Dr. Tomás de la Quadra Salcedo-Fernández del Castillo, Professor at the Faculty of Law, Carlos III University of Madrid, visited the Administrative Court to discuss technical cooperation and deliver a lecture on "Case Management Systems". Dr. Del Castillo is Director of Master Degree Program, Faculty of Public Law and Director of Doctorate Program, Faculty of Law, at Carlos III de Madrid University, Kingdom of Spain. He was former Permanent Secretary of the Ministry of National Administration, President of the Council of State and Permanent Secretary of the Ministry of Justice.

• From 27th September to 6th October, 2016, the Committee on Policy, Direction and Development of Administrative Case Execution participated in a study visit to the University of Carlos III de Madrid, the Supreme Court of Spain, the High Court of Justice of Madrid, the Ministry of Justice, the High Court of Justice of Valencia, and the State Road Authority of Valencia. The study visit was conducted as part of a project to strengthen the efficiency of the Administrative Case Execution System.



• On 9th March, 2017, H.E. Ms. Maria del Carmen Moreno Raymundo, Ambassador Extraordinary and Plenipotentiary, Embassy of Spain in Bangkok, accompanied by Ms. Maria Salcedo Ortiz, Deputy Head of Mission, Prof. Dr. Tomás De La Quadra-Salcedo Fernandez del Castillo from the Faculty of Law, University of Carlos III de Madrid, Magistrate José Luis Quesada Varea from the High Court of Madrid, and Magistrate Ana Suárez Blavia from the Administrative Court of Barcelona; participated in the 16th Anniversary of the Inauguration of the Administrative Court. Magistrates of the Spanish delegation were invited to be keynote speakers at the event and to attend the signing ceremony of an MOU on technical cooperation between the Office of the Administrative Courts and the University of Carlos III de Madrid.



Sweden

• On 26th January, 2006, H.E. Rune Lavin, President of the Supreme Administrative Court of Sweden, and accompanying delegation paid an official visit to the Administrative Court. His Excellency met with the President of the Supreme Administrative Court and executives of the Court and delivered a speech entitled "System, Structure and Authority of the Administrative Court of Sweden".





Turkey

- From 23rd to 29th September, 2002, H.E. Nuri Alan, President of the National Council of Turkey, accompanied by his spouse visited the Administrative Court and paid a courtesy call on the President of the Supreme Administrative Court. He also delivered lectures at the Office of the Administrative Courts entitled “The Structure and Authority of the State Council of Turkey” and “The Study of Law and Development of Public Law Experts in Turkey”.



United Kingdom

- From 14th – 17th January, 2008, Prof. Peter Leyland from the Department of LGIR, London Metropolitan University in the United Kingdom delivered lectures on “Administrative Law and the UK Constitution”.



United States

- Ms. Kathleen Hennessey, Head of Visa Section, Embassy of the United States of America in Thailand, and Ms. Rapeeporn Schaub paid an official visit to the Administrative Court on 19th March, 2004.

- Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, welcomed representatives of USAID and opened a seminar on “Managing Cases and Systems of Case Tracking” conducted by Judge Eric G. Bruggink, Senior Judge, U.S. Court of Federal Claims and Mr. Brian Bishop on 21st – 22nd July, 2004. The seminar received technical support from USAID through the Kenan Asia Institute under the AERA Program.



- Vice Presidents of the Supreme Administrative Court and executives of the Office of the Administrative Courts conducted a study visit to the U.S.A. from 3rd - 10th April, 2004 to learn about case administration and case tracking.

- On 13th May, 2008, officials of the Office of the Administrative Courts attended a training session on “Finding Information using the Internet” at the Information Center, Embassy of the United States of America in Thailand, Bangkok.

- On 25th June, 2009, Dr. George (Rock) Pring, Professor of Law, Sturm College of Law and Mrs. Catherine Pring, co-author of the University of Denver Environmental Courts and Tribunals Study from the U.S.A., delivered a lecture entitled “Environmental Court System and Adjudication of Environmental Cases in Foreign Countries”.



Asia Development Bank

- The Administrative Court and the Asia Development Bank (ADB) jointly organized the 3rd ASEAN Chief Justices Roundtable Conference on the Environment. The conference was held from 15th to 18th November, 2013 at the Royal Orchid Sheraton Hotel and Tower. The title of the conference was “ASEAN Environmental Challenges and Legal Responses”. Twenty representatives from courts in ten countries throughout the Asian region attended, including the Presidents of the Courts in Brunei and the Lao People’s Democratic Republic and representatives from Cambodia, Indonesia, Myanmar, the Philippines, Malaysia, Singapore, and Vietnam. A total of one hundred forty-six other participants attended including the President of the Supreme Administrative Court, Presidents and Vice Presidents of the Administrative Courts of First Instance, representatives of the Committee on Environmental Law, executives of the Office of the Administrative Courts, representatives from the Asian Development Bank, and technical experts from Thailand and other countries.



Since 2010, delegations of the Administrative Court of Thailand have attended the following events hosted by the Asia Development Bank (ADB).

- During 28th – 29th July, 2010; Mr. Kasem Comsatyadham, President of a Chamber of the Supreme Administrative Court; Mr. Prapot Klaisuban, Judge of the Central Administrative Court; and Ms. Natacha Vsindilok, Director of Public Studies Group II; attended the Asian Judges Symposium on Environmental Adjudication, Green Courts and Tribunals, and Environmental Justice at the ADB Headquarters in Manila, the Philippines.

- During 6th – 7th December, 2011; Mrs. Maneewon Phromnoi, Judge of the Supreme Administrative Court; and Mr. Prapot Klaisuban, Judge of the Central Administrative Court; attended the Roundtable for ASEAN Chief Justices and Senior Judiciary on Environmental Law and Enforcement in Jakarta, Republic of Indonesia.



- During 7th - 10th December, 2012; Mr. Kasem Comsatyadham, Vice President of the Supreme Administrative Court; Mr. Suchat Mongkollertlop, Judge of the Supreme Administrative Court; Mr. Pairoj Minden, President of a Chamber of the Administrative Court of First Instance in the Supreme Administrative Court; Mr. Prapot Klaisuban, Judge of the Central Administrative Court; Mr. Surapan Purananda, Deputy Secretary General of the Office of the Administrative Courts and Mr. Chanwit Chaikan, Administrative Case Official; attended the 2nd Roundtable for ASEAN Chief Justices on Environmental Law and Enforcement in Melaka, Malaysia.



- During 26th – 28th September, 2016; Mr. Somchai Ngamwongchon, President of a Chamber of the Supreme Administrative Court and Mrs. Maneewon Phromnoi, Judge of the Supreme Administrative Court, attended the 3rd Asian Judge Symposium on Environmental Law in Manila, the Philippines.



- During 29th - 30th October, 2018; Mr. Srunyoo Potiratchatangkoon, President of a Chamber of the Phitsanulok Administrative Court, attended the Asia Pacific Judicial Conference on Environmental and Climate Change Adjudication in Nay Pyi Taw, Myanmar.



The Asia Foundation (TAF)

• As a technical cooperation partner with the Office of the Administrative Courts, the Asia Foundation (TAF) has supported the Office for Public Relations Publications of the Administrative Court by providing funds for the production of CDs, VCDs, books and brochures used to enhance knowledge and understanding of the purpose and activities of the Administrative Court among the general public and state officials.



Vietnam

• Dr. Dang Quang Phuong, Vice President of the Supreme People's Court of Vietnam, and accompanying delegation visited the Administrative Courts on 21st June, 2004.

Part 2: Memorandums of Understanding with Foreign Countries/Agreements with Foreign Countries

Since the inauguration on 9th March, 2001, the Administrative Court of Thailand has adhered to its mission to uphold administrative justice for all in an efficient manner and in conformity with relevant international standards. The Administrative Court is always aware of how the quality of administrative justice contributes to formulating a good norm for State administration and maintaining a balance between the rights and liberties of the people and the public interest. To achieve such quality of justice, the Administrative Court continually enhances and strengthens knowledge and expertise among the judges and personnel involved in administrative judicial proceedings. Additionally, to ensure an awareness of individual rights and liberties in all sectors, the Administrative Court disseminates relevant knowledge and enhances better understanding on how administrative judicial proceedings function and how the Administrative Court can protect individual rights and liberties.

On behalf of the Administrative Court of Thailand, the Office of the Administrative Courts keeps strengthening and extending international cooperation networks. Generating international cooperation is intended to not only improve judicial management and quality of administrative justice, but also to promote the Administrative Court's role as the hub of administrative judicial excellence at the international level.

Presently, the Office of the Administrative Courts has entered cooperation agreements and MoUs with the following entities:

- Association of Accounting Technicians and AusAID;
- Canadian International Development Agency (CIDA);
- European Public Law Organization (EPLO);
- Federal Court of Australia;
- German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG);
- Government of Spain;
- Konrad-Adenauer-Stiftung, Thailand (KAS);
- Korean Advanced Institute of Science and Technology (KAIST);
- National IT Industry Promotion Agency (NIPA) of Korean government;
- People's Democratic Republic of Lao: the People's Supreme Court of the Lao PDR;
- Rule of Law Program Asia, Konrad-Adenauer-Stiftung;
- Supreme Court Library of Korea;
- The Asia Foundation (TAF);
- United States Agency for International Development (USAID); and
- Université Toulouse 1 Sciences Sociales.



Major activities carried out by virtue of these cooperation agreements and MoUs include international seminars and conferences; special lectures; sponsorship for study visits and overseas post-graduate studies; foreign expert allocation; publishing of administrative judicial manuals for judges and personnel of the Administrative Court; and production of publications on getting to know the Administrative Court and Administrative Court procedure.

International cooperation enables the Administrative Court of Thailand and partners to mutually develop best practices for the improvement of each party's administrative judicial system. Educational activities based on inter-organization cooperation (e.g. training, researches, and comparative studies) foster the exchange of knowledge, perspectives, and experience useful for the efficient and effective administration of administrative justice. Additionally, the Administrative Court and partners aim to not only enhance knowledge among their judges and personnel, but also to equip the general public and State officials with knowledge on the nature of administrative disputes and the filing of administrative cases.

Part 3: Notable Visits to the Administrative Court



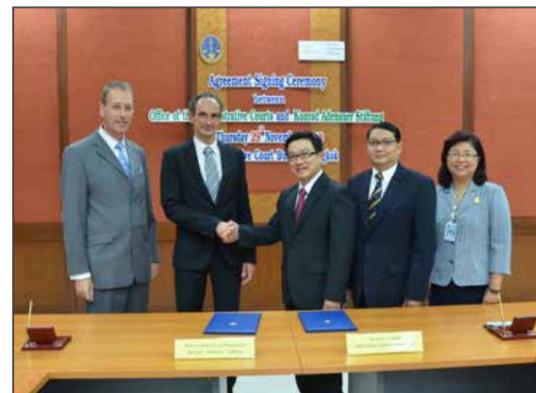
Australia

- On 20th February 2006, Justice Garry DOWNES, President of the Administrative Appeals Tribunal of Australia, delivered a lecture on “Case Management and Case Tracking in The Administrative Appeals Tribunal of Australia”, at Seminar Room, 27th Floor, the Office of the Administrative Courts (Empire Tower).



China

- On 20th January, 2010, Mr. Feng Zuoko, Vice President of Chinese People’s Association for Friendship with Foreign Countries, and accompanying delegation paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, at the Reception Building and were conducted on a tour of the Administrative Court.





European Union

- On 13th July, 2004, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, together with the executives of the Administrative Court and the Office of the Administrative Courts, hosted a reception for Dr. Andreas List, First Counsellor and Deputy Head of Mission, European Commission Delegation to Thailand in appreciation for his delivery of a lecture on “Relations between the European Commission and Thailand”.



- On 16th August, 2005, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court and the executives of the Administrative Court and the Office of the Administrative Courts jointly welcomed H.E. Mr. Friedrich Hamburger, Ambassador and Head of the European Union Delegation to Thailand, and his delegates.

On the occasion of his courtesy visit, H.E. Mr. Friedrich Hamburger discussed and exchanged opinions on technical cooperation between the Administrative Court of Thailand and the European Union with Hon. Dr. Ackaratorn Chularat.



- On 1st March, 2019, Hon. Mr. Piya Patangta, President of the Supreme Administrative Court, Hon. Dr. Vishnu Varunyou, Vice President of the Supreme Administrative Court, and Mr. Atichoke Pholdee, Deputy Secretary-General, acting Secretary-General of the Office of the Administrative Courts, jointly welcomed H.E. Mr. Pirkka Tapiola, Ambassador of the European Union to Thailand, and delegates from Delegation of the European Union to Thailand on the occasion of their official visit to the Administrative Court of Thailand.



Finland

- On 6th August, 2009, H.E. Mr. Lars Erik Backström, Plenipotentiary Extraordinary of the Republic of Finland to Thailand, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court.



France

- From 29th September, to 3rd October, 2005, Mr. Patrick Frydman, Secretary General of the Council of State of France, and Secretary General of the International Association of Supreme Administrative Jurisdictions, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, during an official visit to the Administrative Court of Thailand to discuss preparations for the 9th IASAJ Congress.



- On 8th July, 2005, Mr. Pierre Colombier, Counsellor for Science, Culture and Development of the French Embassy together with his delegation, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court.



- From 14th to 16th December, 2005, Prof. Jean-Pierre Théron from Toulouse 1 Capitole University paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, during his official visit to deliver a lecture on “General Principles of Law in Administrative Law”.



- On 2nd February, 2012, Mr. Jeremy Opritesco, Head of the Cultural Section of the French Embassy, paid a courtesy call on Hon. Mr. Hassavut Vitivityakul, President of the Supreme Administrative Court, and discussed the technical cooperation between the Administrative Court and the French Embassy.



Germany



- On 22nd November, 2004, H.E. Mr. Eckart Hien, President of the Federal Administrative Court of Germany, paid an official visit to the Administrative Court of Thailand. During the official visit, H.E. Mr. Eckart Hien also delivered a special lecture on “Structure and Roles of the Federal Administrative Court of Germany” and shared experiences relating to the functions of the Federal Administrative Court of Germany with judges and personnel of the Administrative Court of Thailand.



- On 14th October, 2005, H.E. Mr. Christoph Brümmer, Ambassador of the Federal Republic of Germany to Thailand, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, to mark H.E.'s appointment to his position. H.E. and the President discussed relations between Germany and Thailand.



- In September 2006, Dr. Guenter Rinsche, current executive and former president of the Konrad Adenauer Stiftung paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, to discuss and exchange ideas.



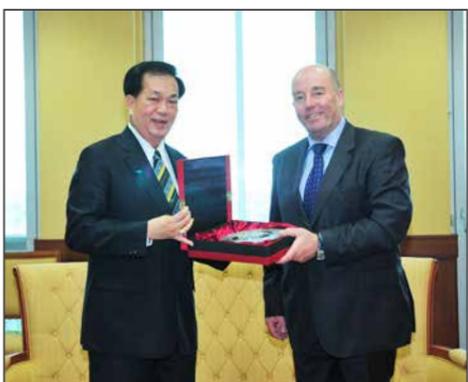
- On 21st May, 2009, H.E. Dr. Hanns Heinrich Schumacher, Ambassador of the Federal Republic of Germany to Thailand, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, to mark H.E.'s commencement of his term of office.



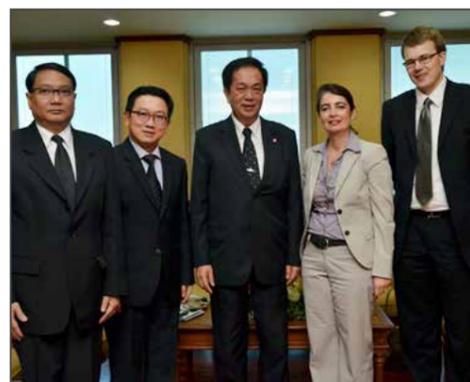
- On 15th August, 2011, Mr. Clauspeter Hill, representative to Thailand of the Konrad Adenauer Stiftung, paid a courtesy call on Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court at the Administrative Court Premise.



- On 13th October, 2011, H.E. Mr. Rolf Peter Gottfried Schulze, Ambassador to Thailand of the Federal Republic of Germany, paid a courtesy call on Hon. Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, to mark the commencement of his term of office. They discussed bilateral relations and the President of the Supreme Administrative Court spoke about the role of the law and his vision of cooperation between the Supreme Administrative Court and the judiciary of the Federal Republic of Germany.



- On 5th November, 2013, Dr. Beatrice Gorawantschy, Asia-Pacific Region Director for the Konrad Adenauer Stiftung in Berlin; Mr. Michael Winzer, representative to Thailand of the Konrad Adenauer Stiftung, paid a courtesy call on the President of the Supreme Administrative Court.



- On 28th March, 2014, Dr. Stefan Kaufmann, Member of Parliament in German Bundestag and Member of the Committee for Education, Research, and Technology Assessment; accompanied by Mr. Michael Winzer, representative to Thailand of the Konrad Adenauer Stiftung, paid a courtesy call on the President of the Supreme Administrative Court.



- On 3rd November, 2015, Mrs. Gisela Elsner, New Director of the Rule of Law Program from Konrad Adenauer Stiftung (KAS) Singapore, came to visit the Office of the Administrative Courts in order to introduce herself to the executives of the Office of the Administrative Courts on the occasion of assuming the new position of Director of the Rule of Law Program – KAS Singapore and share opinions on technical cooperation with them at the Office of the Administrative Courts.



- On 7th January, 2016, Dr. Charnchai Sawangsagdi, Vice President of the Supreme Administrative Court, received Mr. Thomas Stritzl, Christian Democratic Union (CDU) Member of the House of Representatives of the Federal Republic of Germany and representatives of the Konrad Adenauer Stiftung, to discuss mutual technical cooperation and share opinions on principles of the rule of law in Thailand.



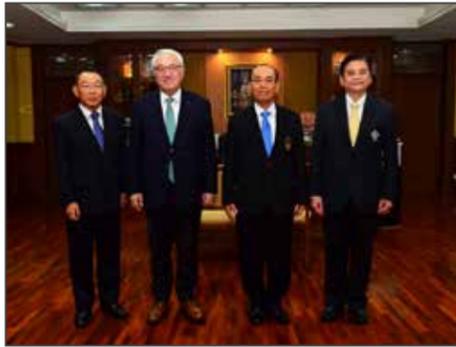
- On 26th September, 2017, Mr. Georg Gafron, Representative to Konrad Adenauer Stiftung (KAS)-Thailand, together with Mrs. Napajaree Jiwanantaprawat, Project Coordinator of Konrad Adenauer Stiftung, Thailand had paid a courtesy call to the President of the Supreme Administrative Court and executives of the Office of the Administrative Courts.





Greece

- On 21st March, 2019; Prof. Dr. Spyridon Flogaitis, Director of European Public Law Organization (EPLO), paid a courtesy call on Hon. Mr. Piya Patangta, President of the Supreme Administrative Court.



Iran

- On 23rd June, 2010, H.E. Mr. Majid Bizmark, Ambassador of the Islamic Republic of Iran to Thailand, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court.



Italy

- On 7th October, 2009, H.E. Mr. Michelangelo Pipan, Plenipotentiary Extraordinary of the Italian Republic to Thailand, paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court.

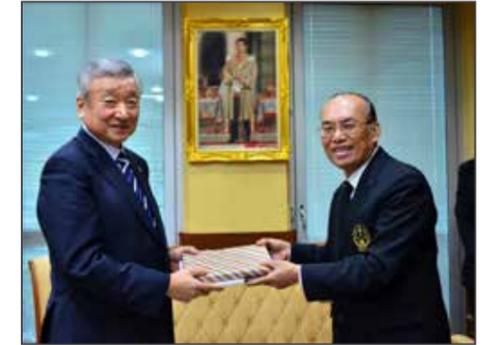


Japan

- Upon the assumption of his new post, H.E. Shiro Sadoshima, Ambassador Extraordinary and Plenipotentiary of Japan to the Kingdom of Thailand, paid a courtesy call on Mr. Piya Patangta, Vice President for President of the Supreme Administrative Court, on 20th August, 2015, at the Reception Building of the Administrative Court.



- On 19th September, 2018, Justice Katsuyuki Kizawa, Justice of the Supreme Court of Japan and Mr. Yohei Okamoto, Judge of Tokyo District Court, paid a courtesy call on the President of the Supreme Administrative Court. During the courtesy call, Justice Kizawa and his attendant visited a courtroom, inquiry room, the Public Law Library, the Administrative Court Museum, and the Reception Building.



Korea, South

- H.E. Mr. Noh Kwang-il, Korean Ambassador Extraordinary and Plenipotentiary to the Kingdom of Thailand, accompanied by Mr. Yoon Chusok, Counsellor, and Ms. Hyun-ah Kim, Second Secretary, paid a courtesy call on Hon. Mr. Piya Patangta, President of the Supreme Administrative Court, on 27th March, 2018, at the Administrative Court Premises.



- Upon the assumption of his new post, H.E. Mr. Lee Wook-heon, Ambassador Extraordinary and Plenipotentiary of Republic of Korea to the Kingdom of Thailand, paid a courtesy call on Hon. Mr. Piya Patangta, President of the Supreme Administrative Court, on 19th March, 2019, at the Reception Building.



Laos

- On 13th June, 2012, H.E. Mr. Vitawas Srivihok, Thai Ambassador in Vientiane conducted Mr. Khamphane Siththidampha, President of the People's Supreme Court of Lao PDR to visit Hon. Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court.



- Mr. Khampha Sengdara, Vice President of the People's Supreme Court of Lao PDR, together with Mr. Khoun Pasouk, Judge of the People's Supreme Court, paid a courtesy call on Mr. Kasem Comsatyadham, Vice President of the Supreme Administrative Court, while attending the training course on Administrative Justice for Personnel of the Lao PDR, batch 2, from 7th to 20th September, 2014 at Administrative Court Building, Bangkok.



- During 1st – 3rd June 2017, H.E. Mr. Khamphanh Siththidampha, President of the People's Supreme Court, and his delegates paid a courtesy call to the Administrative Court of Thailand. On this occasion, H.E. Mr. Khamphanh Siththidampha and the delegates also joined a discussion on activities under the 3-year technical cooperation plan for the establishment of Administrative Case Division in the People's Supreme Court of Lao PDR.





Netherlands

• On 3rd February, 2009, H.E. Tjaco Theo van den Hout, Ambassador of the Netherlands to Thailand paid a courtesy call on Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court.



Russia

• On 2nd July, 2015, Mr. Vyacheslav Lebedev, Chief Justice of the Supreme Court of the Russian Federation, and his delegation paid a courtesy call on Mr. Piya Patangta, Vice President of the Supreme Administrative Court (Acting President) on the occasion of official visit to strengthen relationships between Russian-Thai judicial organizations. On this occasion, H.E. Mr. Kirill Barsky, Ambassador, the Russian Federation to Thailand, attended a courtesy call.



The International Association of Supreme Administrative Jurisdictions

Background

The International Association of Supreme Administrative Jurisdictions (IASAJ) was established in 1981 and has its office in Paris, France. It was established with the aim of promoting the exchange of opinions and experience among administrative judicial organizations in different countries that have authority to make final decisions on cases that arise from the actions of state agencies or officials.

The Administrative Court of Thailand became a member of IASAJ in 2003 and some personnel of the Administrative Court have been appointed to important positions within the Association, including President of the Association, Vice President, and members of committees responsible for technical cooperation activities. At the 8th Congress of the Association in 2004, Hon. Dr. Ackaratorn Chularat, President of the Supreme Administrative Court, was appointed President of the Association. From 22nd – 24th November 2007, the Supreme Administrative Court of Thailand hosted the 9th Congress and the Board Meeting in Bangkok under the title “The Status of Administrative Judges”.

At the 9th Congress, Hon. Dr. Ackaratorn Chularat, in his position as current president of the Association, handed over the position to the Honourable Justice Garry Downes, President of the

Administrative Appeals Tribunal and the Honourable Chief Justice Michael Black, President of the Federal Court of Australia. Hon. Dr. Ackaratorn Chularat was then elected Vice President. In 2010, Hon. Dr. Hassavut Vitivityakul, President of the Supreme Administrative Court, was appointed Vice President of the Association, continuing on from Hon. Dr. Ackaratorn Chularat who completed his term of office in 2010.

From the 9th to 14th April, 2011, the President of the Supreme Administrative Court and accompanying party attended the Board Meeting of the Association in Vienna, Austria. The Board Meeting agreed to a motion to establish a working committee to develop technical cooperation activities by adjusting and improving the work model of the Board and make its work more efficient. This committee was comprised of representatives from judicial organizations in six regions and was presided over by the President of the State Council of Belgium, Hon. Mr. Robert Anderson. The Thai Supreme Administrative Court was the representative for the Asia-Pacific Region. The Thai Supreme Administrative Court selected Mr. Charnchai Sawangsagdi, President of a Chamber of the Supreme Administrative Court, to be its representative.



Heads of Delegates and Secretary General of the IXth Congress of the International Association of Supreme Administrative Jurisdictions had an Audience with His Majesty King Bhumibol Adulyadej The Great at Chitralada Rahotan Royal Residence on 23rd November, 2007





Members of the Committee were as follows:

- 1) President of the Committee, Hon. Mr. Robert Anderson from Belgium;
- 2) Representative for the Region of Africa, Hon. Mr. Georges Amangoua, President of the Administrative Cases Department of the Supreme Court of Ivory Coast;
- 3) Representative for North America, Hon. Mr. Pierre Blais, President of the Federal Court of Appeals of Canada;
- 4) Representative for South America, Hon. Mr. Marco Antonio Moreno Velilla, Judge of the Supreme Administrative Court, Colombia;
- 5) Representative for Europe, Hon. Mr. Eckertz-Höfer, President of the Supreme Administrative Court of Germany;
- 6) Representative for the European Region, Hon. Mr. Soucri Chader, President of the State Council of Lebanon; and
- 7) Representative for Asia-Oceania, Hon. Dr. Charnchai Sawangsagdi, President of a Chamber of the Supreme Administrative Court of Thailand.

This committee drafted new regulations for the Association and presented them to the 11th Congress held from 4th to 14th April, 2013 in Cartagena, Colombia and the new regulations were accepted by the Congress.

In 2013: a new Board was to be appointed on the completion of term of the previous Board so the Secretary of the Association sent a letter to each of the member countries asking if they intended to apply to be members of the Board. The term of office for members of the Board was six years and three years for members of sub-committees. The Administrative Court of Thailand applied for a position on the new board and at the General Assembly a motion was passed appointing the Supreme Administrative Court of Thailand to be a Board member as representative of Asia-Oceania for a period of six years until 2019.

In addition, the Board passed a motion to broaden the scope of activities of the Association, especially in the dissemination of books on law and decisions by judges that could be used as benchmarks by all member countries to increase the number of activities by establishing internet forums for the expression of opinions among members (on the Association website), organizing seminars on various topics - beginning with bilateral seminars organized by two member countries - and to commence the exchange of judges between member countries to expedite the exchange of knowledge on judicial practices. At present, the Association has one hundred and five countries and international judicial organizations as associate members. These are divided into three types: sixty-eight member jurisdictions, fourteen observer organizations, and twenty-three invited jurisdictions.

Meetings of the Association

The IASAJ organizes a large conference (Congress) every three years. Each congress is composed of three sub-group meetings, a Board Meeting and a General Assembly. As a member of the IASAJ, the Administrative Court of Thailand has participated in congress and board meetings of IASAJ. In addition, the Court has joined the Exchange Program for Judges as follows:

- **In 2015**, Mrs. Maneewon Phromnoi, Judge of the Supreme Administrative Court, attended the 2015 Exchange Program in the Supreme Administrative Court of Finland;
- **In 2016**, Mr. Vishnu Varunyou, President of Budgetary and Financial Discipline Division of the Supreme Administrative Court, attended the 2016 Exchange Program in the Supreme Administrative Court of Poland; and
- **In 2018**, Mr. Prasat Pongsuwan, Judge of the Supreme Administrative Court, attended the 2018 Exchange Program in the Supreme Administrative Court of Portugal.

The Administrative Court of Thailand also had the opportunity to host judges from the IASAJ member countries as part of the Exchange Program for Judges as follows:

- **In 2015**, Mr. Maman Bachir Yahaya, Judge of the Council of State of Niger;
- **In 2016**, Mrs. Małgorzata Wolf – Kalamala, Judge of the Supreme Administrative Court of Poland;
- **In 2017**, Mr. Léon Désiré Zalo, Judge of the Administrative Chamber of the Supreme Court of Ivory Coast; and
- **In 2018**, Ms. Alikí Pasipoularidou, Member of the Council of State of the Hellenic Republic.

Benefits to the Administrative Court of Thailand derives from being a Member of IASAJ

By being a member of the International Association of Supreme Administrative Jurisdictions, the Administrative Court of Thailand gains and shares technical knowledge on administrative law whether in the form of sharing experiences and opinions with courts or judicial organizations in foreign countries or through cooperation among judges or court officials in study and research into administrative law or exchanging knowledge on ways to decide on administrative cases. All of these can be used to develop administrative law in Thailand in the future, especially by studying final judgments of administrative cases in IASAJ members.

The participation of the Administrative Court as a member in the Association will be an assurance to the people in Thailand that adjudication of administrative cases by the Administrative Court will be in accordance with international standards of administrative law. Further, developing administrative law will lead to good administrative practices - one element of "Good Governance". Good administrative practices will be able to protect the rights and liberties of the Thai people and balance them against the common good. It will also contribute to the Thai nation and the Thai people becoming more well-known in international forums relating to administrative law and demonstrate to the world community the potential of our country to be one of the countries in the Asian region that has developed a good system of administrative law. We can also show that, in the future, Thailand may become a knowledge center on administrative law for this region.



Meeting of the Board of Directors at the Reception Building, the Administrative Court Premises on 23rd November, 2007







Closing Ceremony



ศาลปกครอง



Dinner Reception on 22nd November, 2007



Group Photo of the Board





ศาลปกครอง



ศาลปกครอง

Endnotes

¹ Lingat, R. (1973). The Classical Law of India (p.213). University of California .

² Ibid., p.3.

³ Changkhwanyuen, P. (1991). The Political Thinking in the Tripitaka (p. 82). Chulalongkorn University Press.

⁴ See Akkhanyasuta Digha-Nikaya Patikavagga. The Tripitaka Thai version (1987), volume 11.

⁵ See Boonnoon, C.(2006). Thammasat scripture, Forensic Thai Philosophy, Printed in commemoration of His Majesty the King Phra Buddha Yodfa Chulaloke and His Majesty the King Bhumibol Adulyadej The Great, On the occasion of the 60th Anniversary of His Majesty's Accession to the Throne Research Project.

⁶ Boonchalermwipass, S. (2000). Thai Legal History (p.62). Bangkok: Vinyuchon.

⁷ Numnonda, T. (1981). Politics and Foreign Affairs in Thai History (p.1). Bangkok: Thai Wattana Panich.

⁸ Kosananant, C. (1993). Thai Legal Philosophy (pp. 102-105). Bangkok: Ramkhamhaeng University Press.

⁹ Kladyue, C. (June 4 - September 1974). Trai Bhumii Phra Ruang: The Foundation of Thai Political Ideology (p.112). Bangkok: Thammasat University Journal.

¹⁰ Lingat, R. (1983). The History of Thai Law, Vol. 1, 1st Edition (p.36). Bangkok: Thai Wattana Panich.

¹¹ Prince Damrong Rajanubhab. The Ancient Siamese Kingdom (p.12).

¹² Department of Fine Arts (1978). Three Seals Law (pp. 624-625). Bangkok: First Publication.

¹³ Uwanno, B. Public Law Description Volume 2 (pp. 58-59).

¹⁴ Buddhadasa Bhikkhu (1999). Socialist Thyme (p. 63) 2nd edition. Bangkok: Office of Sithichoke Sricharoen Attorney.

¹⁵ Lingat, R. (1983). The History of Thai Law, vol. 1 (pp.19-26). Bangkok: Thai Wattana Panich.

¹⁶ One observation is that the year in which the law of the Kingdom of Thailand was promulgated after the rule of law in the reign of King Rama I in 1804. It was the same year of the French Revolution and Napoleon I had just completed the first complete civil code, the Napoleon Code, in 1804.

¹⁷ Phraya Nithisatphisan, Undergraduate Law 1958-1959 Thai Law History (pp. 99-100).

¹⁸ "Som-nai" means a vassal of the inner court or royal monastery: Phraya Nithisatphisan, Undergraduate Law 1958-1959 Thai Law History (pp. 323-324).

¹⁹ Phraya Nithisatphisan, Undergraduate Law 1958-1959 Thai Law History (pp. 323-324).

²⁰ Ministry of Justice (1954), Culture of the Court (pp. 22-23). Phranakorn: Rhon-na-san Printing House.

²¹ Lingat, R. (1983). The History of Thai Law, Vol. 2 (p.394). Bangkok: Thai Wattana Panich, 1st Edition.

²² Ibid.

²³ Secretariat of the Prime Minister, Conference call Part 4, Session 2 The Rattanakosin Reign of His Majesty King Rama III 1841-1843, The Historical Commission of the Prime Minister's Secretariat: 1994 (p.283).

Endnotes

²⁴ Pongsriyan, W., Klong Winichai Phe Ree (Verdict Drum) (p.283). Conference call Part 4, Session 2, Rattanakosin Reign of His Majesty King Rama III 1841-1843, the Prime Minister's Secretariat: 1994.

²⁵ Royal Notes of King Rama IV (pp. 242-244). Royal College of the Royal Institution: 2521.

²⁶ Mom Rajawongse Seni Pramoj (1980). The King of Siam Speaks (pp. 196-197). Bangkok: Siam Society.

²⁷ As can be seen from the announcement of the Ministry of Justice 1891, Section 6.

"... To continue with a petition, citizens can only appeal to the king regarding verdicts given by judges of the Royal Appeals Court or Civilian Appeals Court. They can also make claims of wrongdoing by Chief Ministers. For other types of complaints that require investigation and adjudication, the king may assign the Privy Council to investigate and offer their opinions to the king. The king may also assign the cabinet to meet and make a decision in some cases. Apart from these cases, citizens are not allowed to present a petition directly to the king."

Announcement by The Ministry of Justice, The Government Gazette, vol. 9, pp. 10.

²⁸ Bhalakula, P. (1993). French Administrative Cases: Considerations Regarding the Establishment of Administrative Courts in Thailand (p. 5). Office of the Council of State, Documentation.

²⁹ Office of the Council of State, "The Council of State" (the Privy Council and the Council of State) Offshore: Background and Experiences of Various Countries", 120th Anniversary from Council of the State to the present Council of State, 1874- 1994, (Bangkok: 1994), p.19.

³⁰ Office of the Council of State, "The Council of State" (the Privy Council and the Council of State) Offshore: Background and Experiences of Various Countries", 120th Anniversary from Council of the State to the present Council of State 1874- 1994 (pp.110-112) . Bangkok: 1994.

³¹ Ibid., pp.116-117.

³² Ibid., p.19.

³³ Piemsomboon, P., The Revolution of Thai Law from 1868 to 1935, (Doctoral dissertation, Graduate School, Chulalongkorn University, 1974), pp. 26-28.

³⁴ Ibid., pp. 28-29.

³⁵ Ibid., pp. 29-34.

³⁶ Rajanupab, D, HRH Prince. (1959). The Rattanakosin Chronicles of the Fifth Reign (p. 62). Bangkok: Kuekul Printing.

³⁷ See Bowring, J. (1969). The Kingdom and People of Siam (p. 207).

³⁸ Piemsomboon, P., op.cit., (pp. 29-34).

³⁹ Ratchaburi, D, HRH Krom Muen., Phraratchabunyat Naipatyubun, vol.1 (pp. 153-154).

⁴⁰ HRH Prince Chulachomklao Chao Yu Hua Phra Chao Krung Siam (1991). (p. 40). Bangkok: Saeng Sin Press.

⁴¹ Kongchan, T. (2004). Politics relevant to the coronation of King Mongkut (pp.16-17). Bangkok: Matichon.

⁴² Ibid., pp. 96-97.

⁴³ Ibid., p. 91.

⁴⁴ Rachanuphap, D, HRH Prince. (1960). Remembrance (p.11). Bangkok: Amarin Printing Group.

Endnotes

⁴⁵ Ibid., pp. 15-23.

⁴⁶ Moonsin, W, Assoc. Prof. (1971). King Chulalongkorn and the foundation of democracy (p. 40). Bangkok: World Media.

⁴⁷ Kongchan, T., op.cit., pp. 101-106.

⁴⁸ Rachanuphap, D, HRH Prince. (1960). Remembrance (pp.129-130). Bangkok: Amarin Printing Group.

⁴⁹ Archives on King Chulalongkorn's First Royal Visit to Singapore, Batavia and India (1925). Pranakorn: Sophonphipattanakorn Printing p. 75.

⁵⁰ Theerawat, N. Political Ideologies of King Chulalongkorn, Thesis, B.A., Department of History, Graduate School, Chulalongkorn University (Copy), 1982), p. 343.

⁵¹ See 125 years of Council of State, (copy, Office of the Council of State), pp. 1-9.

⁵² Ibid., pp. 40-41.

⁵³ F. Vella, W. The Impact of the west on Government in Thailand (pp. 334-335). In Moonsin, W, Assoc. Prof. (1971). King Chulalongkorn and the foundation of democracy (p. 40). Bangkok: World Media.

⁵⁴ K. Wyatt, D. (1969). The Politic of Reform in Thailand: Education in the Reign of King Chulalongkorn (pp. 44-50). Bangkok: Thai WattanaPanich.

⁵⁵ Commission, 125 years of Council of State, pp.11-14.

⁵⁶ Office of the Council of State, Administrative Law Journal, History of Establishment of the Council of State, vol.18, part 3, pp. 6-7.

⁵⁷ National Library, Archives on King Chulalongkorn, sheaf 154, vol.11. In Pitathawatchai, W. (2004). Somdet Phra Chao Borommawong Thoe Devawongse Varapakarn (p. 45). Bangkok: Krungthep Printing.

⁵⁸ In this context, the phrase “ที่ปรึกษาราชการแผ่นดิน” is used closer in meaning to “ที่ปลุกชำระราชการแผ่นดิน” in compliance with the Council of State as an Advisory of the State Act in 1874.

⁵⁹ Moonsin, W, Assoc. Prof. (1998). King Chulalongkorn and the foundation of democracy (p.13). Bangkok: World Media.

⁶⁰ Pitathawatchai, W., op.cit., p. 39.

⁶¹ One of the pavilions in Chakri Maha Prasat.

⁶² Office of the Council of State, Works during the financial year 1985-1987, Karn Sasana Press, 1988, pp. 35-36.

⁶³ Pitathawatchai, W., op.cit., p 36.

⁶⁴ Phraya Kasabkitkoson was also one of the state councilors who adjudicated the case of Phraya Aharn Borirak.

⁶⁵ National Archives of Thailand, formal note during the reign of King Chulalongkorn, 149, M.E.1241 (1879).

⁶⁶ National Archives of Thailand, royal writing of King Chulalongkorn addressed to the two councils, Ror. No.78, M.E.1241 (1879).

⁶⁷ See annex concerning the judgment of the Council of State.

⁶⁸ National Library of Thailand. Archives of King Chulalongkorn, sheaf no. 156, vol. 5.

⁶⁹ National Library of Thailand. Archives of King Chulalongkorn, sheaf no. 157, vol. 7.

⁷⁰ King Chulalongkorn's guidance given to Crown Prince, King Chulalongkorn's speech on slavery and retirement, Cremation volume for Mrs. Aim Himathongkham, 26th December, 1966, pp.40-50.

⁷¹ Sitthithanyakij, P. (1993). King Chulalongkorn (pp. 62-63). Bangkok: MBA Publisher.

Endnotes

⁷² Clarke, A., Sir. (1975, 2nd April). My First Visit to Siam (Kanjanee Somkiatikun) (p.132). Pamphlet of the Foundation for the Promotion of Social Sciences and Humanities Textbooks Projects.

⁷³ Mulsilp, W., Associate Professor. (1998). King Chulalongkorn and Laying the Foundation for Democracy (pp. 57-60). Bangkok: Word Media.

⁷⁴ Varunyou, V., (1995, August). Administrative Courts Journal Vol. 41, Part 2, Discussion on “King Chulalongkorn and Development of Public Law in Thailand” (p.47)

⁷⁵ Boonchalermvipas, S. (2000). The Thai Legal History (p. 162). Bangkok

⁷⁶ See Samudavanija, C., & Kannasut, K. (1989). Thai Politics and Government (1874-1934) (2nd ed.). Bangkok: Institute of Siamese Studies. 32-61.

⁷⁷ The suggestion letter also stated that “Europeans define the word constitution as a machine which operates automatically, similar to public administration.” in Sitthiphan, P., (1971). Chulalongkorn King of Siam (pp. 125-126). Bangkok: Mitrasiem Printing.

⁷⁸ See Appendix on the royal explanation about development of state governance.

⁷⁹ See Appendix, the Royal Decree, vol.3, The Legislative Council.

⁸⁰ See Appendix, the Royal Decree, vol.2, Meeting procedures of the Legislative Council, Privy Council and Council of Ministers (1892).

⁸¹ The minutes of the ministers' meeting which were made in 1891 reported that “On 14th October, R.E. 110 (1891), ten ministers attended the meeting chaired by King Chulalongkorn at the corridor of Dusit Maha Prasat Throne Hall.”

1. King Chulalongkorn gave the letter to Chao Praya Mahinthorn to read in the meeting;

2. King Chulalongkorn consulted Krom Muen Narathip about tax payable for Phra Tabong Town. The original owner owed tax but a Chinese man who took over the island owner's affairs did not want to pay the tax pending. The Ministry of Interior did not give clear advice on this matter. Krom Muen Narathip was then assigned to solve this problem by consulting with the Ministry of Interior;

3. King Chulalongkorn said that Phraya Charoen lied about Krom Luang Devawongse Varopakarn and a minister and related the strange story about his wife escaping to stay in the palace;

4. King Chulalongkorn mentioned a person who had taken a slave as a wife. When the man no longer wanted to stay with her, he asked for the full price when selling her. This created trouble for the woman who had given herself to him. This should be corrected. He assigned Krom Luang Devawongse Varopakarn to amend the Act by adding that “if a slave is taken as a wife, no price can be placed on her in future sale.” See Pitathawatchai, W., op.cit., (p. 243).

⁸² Pitathawatchai, W., ibid., (pp. 240-250).

⁸³ Munsilpa, W. King Chulalongkorn and Laying the Foundation for Democracy (p. 25).

⁸⁴ Luang Chakpanisisinwisut. (1963). Independence in the Judicial System (p.13). Commemoration book of the opening ceremony of the Office of the Civil Court and the Supreme Court.

Endnotes

⁸⁵ Uwanno, Bovornsak, Asso. Prof. Dr. (1994). The definition of public law vol. 2 (1st ed.). Nititham. (p.75).

⁸⁶ Government Gazette vol.11, sheet no. 42, dated 13th January, R.E. 113 (1894).

⁸⁷ See Pitathawatchai, W., op.cit., (pp. 250-257).

⁸⁸ Saenguthai, Yud, Prof. (1980, 19th April). Legal drafting (p.32). Cremation volume for Prof. Yud Saenguthai at crematorium of Wat Debsirindrawas.

⁸⁹ See Appendix, chapter 2.

⁹⁰ National Archives of Thailand. Royal Petitions vol. 2 (p.289). Compiled decree documents, Office of His Majesty's Principal Private Secretary.

⁹¹ National Archives of Thailand. Royal Petitions vol. 2 (p.5230). Compiled decree documents, Office of His Majesty's Principal Private Secretary.

⁹² National Archives of Thailand. King Rama V's documents Fhor.30.9/2 (no.2/13 Pack no.1), letter dated 23rd January, 1904 of Krom Luang Devawongse Varopakarn submitted to King Chulalongkorn.

⁹³ National Archives of Thailand. King Rama V's documents Fhor.30.9/2 no.2/3 Pack no.1, copied letter no. 148/20041 dated 12th February, 1904 from Krom Luang Devawongse Varopakarn to Mr Pavie.

⁹⁴ National Archives of Thailand. King Rama V's documents Fhor.30.9/- no.2/3 Pack no.1, telegraph news of Reuters News Agency, published in London, United Kingdom.

⁹⁵ National Archives of Thailand. King Rama V's documents Fhor.30.9/1 no.2/3 Pack no.1, Krom Muen Sommod Amornpan informed Krom Luang Devawongse Varopakarn, dated 5th June, 1905.

⁹⁶ See Pitathawatchai, W. H.R.H. Devawongse Varopakarn (pp.349-370). Bangkok: Bangkok Printing.

⁹⁷ Sang-Utai, Y. (1980). Law drafting (pp.33-34). Cremation volume for Professor Yud Sang-Utai. Bangkok: Bophit Printing Co.

⁹⁸ Office of the Council of State (1999). 125 years of the Council of State (p.19). Copied document.

⁹⁹ Office of the Council of State. 125 years of the Council of State (pp.18-20). Copied document.

¹⁰⁰ Office of the Council of State. 60 years of the Office of the Council of State (p.3).

¹⁰¹ Ministry of Justice's letter no.237/4899 dated 8th March, 1929.

¹⁰² Office of the Council of State. 60 years of the Office of the Council of State (pp. 13-14).

¹⁰³ Pridi Banomyong (1983). Conference on public law and private law (pp. 78-79).

¹⁰⁴ Ibid., (p. 12).

¹⁰⁵ Report of the First Session of the Meeting of the House of the Representatives in 1933.

¹⁰⁶ Report of the 56/1933 Meeting of the House of the Representatives (extraordinary) dated 6th December, 1933.

¹⁰⁷ See Council of State Act, B.E. 2476 (1933), Government Gazette Vol. 50, pp. 779 on 9th December, 1933, Sections 4-5.

¹⁰⁸ Ibid., Section 7-8.

¹⁰⁹ Book of the Legislative Drafting Department No. 170/560 dated 31 December 1932.

¹¹⁰ Office of the Council of State (1993). History and works of the Office of the Council of State 60 years of the Council of State (1st ed.) (p. 4).

Endnotes

¹¹¹ Office of the Council of State, op.cit., (pp. 58-140).

¹¹² Office of the Council of State, op.cit., (pp. 19-20).

¹¹³ See appendix of the Petition Act, B.E. 2492 (1949), Government Gazette Vol. 66, Part 15 dated 15 March 1949, pp. 125-126, Section 4.

¹¹⁴ Supplementary by Section 3 of the Petition Act, B.E. 2516 (1973) (No. 2) (Government Gazette vol. 90, Part 58 of Special Version, (p. 2).

¹¹⁵ Chularat, A., Prof. Dr. (1984). Problem on the establishment of the Administrative Court in Thailand (pp. 21-22). Institute of Administration Development, School for High level Government Officers.

¹¹⁶ Bureau of Research and Technical Affairs. (2001, January-April). History of the Administrative Court (1st ed.). Administrative Courts Journal, 1st year, (p. 13).

¹¹⁷ Bunnag, D. (1957). Pridi, senior statesman and the first planner for the Thai economy (pp. 46-47).

¹¹⁸ Preamble to the Constitution of the Kingdom of Thailand, B.E. 2517 (1974):

"...In drafting the present Constitution, the opinions of the public have been listened to throughout so as to make it accord with the intention of the people. The Constitution is intended to meet the needs of the people and the resolve of the Thai people to maintain national independence in all ways..., to enact laws supporting social justice, to apply measures that will decrease economic and social inequality, to thoroughly and equally protect citizen's rights, to maintain moral principles in order that justice is served to the citizens ..." in Uwanno, B., op.cit., pp. 103-105.

¹¹⁹ Constitution of the Kingdom of Thailand, B.E. 2517 (1974), Section 213, Government Gazette, no. 91, part 169 on 7 October 1974, (p. 70).

¹²⁰ Details in a memo presenting reasons for drafting the Act on Petition, B.E....by the Office of the Council of State, 1975.

¹²¹ Bureau of Research and Technical Affairs. Office of the Administrative Courts (2001, January-April). History of the Administrative Court. Administrative Courts Journal. (pp. 10-13).

¹²² Sawangsagdi, C., Dr. (1999). Explication of the Act on Establishment of Administrative Courts and Administrative Court Procedure (p. 82). Bangkok: Winyuchon.

¹²³ Chularat, A., (1984). Difficulty on the Establishment of the Administrative Court in Thailand (p.22). College of Administration, School of Senior Executives.

¹²⁴ Office of the Council of State, op.cit., (pp. 27-29).

¹²⁵ Details in remarks of the end of the Council of State Act, B.E. 2522 (1979).

¹²⁶ Office of the Council of State. History and works of the Office of the Council of State (pp.49-50). Commemorative Volume on 48th Anniversary of the Office of the Council of State.

¹²⁷ Chandara - Somboon, A., Prof. (1982, December). Memo of Secretary-General of the Council of State on Draft of the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E... (p. 715.) Administrative Courts Journal (vol. 1), part 3.

Endnotes

¹²⁸ Office of the Council of State (Institute of State Counselor) (1994). 120th anniversary of the Council of State as an Institute of State Counselor to the Council of State in 1874 – 1994 (pp. 44-45). Bangkok.

¹²⁹ See the Office of the Council of State (1994). History and Evolution of the Council of State and the Office of the Council of State (pp. 6-9).

¹³⁰ Decision given by the Petition Council no. 28/2529 in the case of Mr. Chaowalit Wareesaard and others petitioning against an employee of Khet Bang Khen claiming he performed his duties with unreasonable delay under the Building Control Act.

¹³¹ Decision given by the Petition Council no. 22/2529 in the case of Mr. Kumnuan Kunaporn petitioning against an employee of Khet Bangkok Noi for not registering his child adoption.

¹³² Decision given by the Petition Council no. 2/2531 in the case of Sub-Lieutenant Niyom Paswattana petitioning against the Director-General of the Marine Department claiming an illegal order in appointing a director of the Pilot Division, Marine Department.

¹³³ Office of the Administrative Courts (2001). Concepts and history of the Administrative Court. Report on work of the Administrative Court and the Office of the Administrative Courts for the year 2000 (pp.32-33). Teachers Council of Thailand.

¹³⁴ Phanom, L. (1994). Establishment of the Administrative Court of Thailand will go forward or be stopped in its tracks (p. 94). Bangkok: Institute of Legal Education of the Thai Bar.

¹³⁵ Letter of the Secretariat of the Cabinet, no. Sor Ror 0502/11806 dated 26 August 1964.

¹³⁶ See Chandara - Somboon, A. et al., op.cit., pp. 690-694.

¹³⁷ Ibid, pp. 129-143.

¹³⁸ Office of the Administrative Courts (2001). Concepts and History of the Administrative Court. Report on work performance of the Administrative Court and the Office of the Administrative Courts for the year 2000 (pp. 26-27). Bangkok: Teachers Council of Thailand.

¹³⁹ Opinions given by the Non-Standing Committee Studying Measures of Amendment of the Constitution of the Kingdom of Thailand, B.E. 2534 (1991), in Lertpaitoon, S., "Establishment of an Administrative Court in the Council of State", "Establishment of the Administrative Court" by the Public Relations Committee on Establishment of the Administrative Court in accordance with the government's policy, Office of the Council of State, pp. 67-68.

¹⁴⁰ Sawangsakdi, C., op.cit., (pp. 93-99).

¹⁴¹ Ibid., (p. 101).

¹⁴² Ibid., (pp. 101-102).

¹⁴³ Ibid., (p. 103).

¹⁴⁴ Office of the Administrative Courts. (2000). Report on work performance of the Administrative Court and the Office of the Administrative Courts of the year 2000 (pp. 6-7). Teachers Council of Thailand.

¹⁴⁵ Research and Technical Affairs Bureau, op.cit., (pp. 14-20).

¹⁴⁶ Constitution of the Kingdom of Thailand, B.E. 2540 (1997), Section 267-280 the Government Gazette vol. 114, part 55 Kor, dated 11 October 1997, pp. 71-72.



Publication Team

Advisor

HON. MR.PIYA PATANGTA
President of the Supreme Administrative Court

Working Group for Publication of the English Version of “**TRANSITION FROM COUNCIL OF STATE TO THE ADMINISTRATIVE COURT**”

(The Office of the Administrative Court’s Order No.63/2559 (2016) dated 24th February, 2016)

| | | | |
|--|----------|---|--------------------------------------|
| MR. SURAPAN PURANANDA <i>Deputy-Secretary General of the Office of the Administrative Courts</i> | Chairman | MRS. RUNGTHIP SURARIT <i>Administrative Court Official, Professional Level</i> | Member |
| MR. DAVID ROGERS <i>Advisor to the Office of the Administrative Courts, for Foreign Language (English)</i> | Member | MS. SUKCHAWEE RAKTAPRACHIT <i>Administrative Case Official, Professional Level</i> | Member |
| MR. SERN KRONGRAVA <i>Director of Bureau of the President of the Supreme Administrative Court</i> | Member | MS. NAVARAT VONGBENJARAT <i>Administrative Court Official, Professional Level</i> | Member |
| MR. YONGYUTH ANUKUL <i>Director of Bureau of Research and Technical Affairs</i> | Member | MR. SERMPONG SOMBOONPROM <i>Administrative Court Official, Professional Level</i> | Member |
| MR. KONGPHOP SUKIJBUMRUNG <i>Director of Bureau of Foreign Affairs</i> | Member | MS. KRITTAYA DHIRANAND <i>Administrative Case Official, Practitioner Level</i> | Member |
| MR. AMNUAY UBONRAT <i>Director of Bureau of Public Relations</i> | Member | MR. SAENHIRUN SAKARIN <i>Administrative Court Official, Practitioner Level</i> | Member |
| MRS. KANYA KITISRIVORAPAN <i>Administrative Court Official, Expert Level</i> | Member | MS. NANNAPHAT WONGSUTHAROT <i>Administrative Court Official, Practitioner Level</i> | Member |
| MS. PENNAPA POTCHAMANAWONG <i>Director of Public Law Studies Group III</i> | Member | MS. SIRIPORN PHANVIJITSIRI <i>Administrative Court Official</i> | Member |
| MS. WANASANAN KANCHANAPHALIN <i>Acting Director of Media Creation and Production Group</i> | Member | MS. VIPASSARIN PRAPUNTASIRI <i>Director of International Cooperation Group III</i> | Member and secretary |
| MS. WATTANAWAN CHANTARODJANA <i>Administrative Case Official, Senior Professional Level</i> | Member | MS. NIPAPORN RATTANAPUAPUN <i>Administrative Court Official, Professional Level</i> | Member and assistant secretary |

