

DEVELOPMENT OF THAI ADMINISTRATION

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1 DEVELOPMENT OF THAI ADMINISTRATION

As Walter F. Vella rightly points out, an understanding of the structure and operation of government in Thailand in the past centuries is necessary to an understanding of government and administration in Thailand today. This is due to many reasons. First, there has always been continuity of tradition in the government of Thailand. The change from one period to the other in the past centuries was not followed by major alterations in the system of administration. Secondly, Thailand has never been a colony of any European power. As a result, it suffered no complete break with the past. Although Western influence brought about changes in government, these changes were introduced by Thai leaders themselves. Even more important is the fact that the Western ideas and institutions were not simply installed, but were modified to suit the Thai social structure before being adopted. Furthermore, the change from absolute to constitutional monarchy occurred only three decades ago. Although this change of the form of government is a major one, it entailed no important change

in the administrative behavior.

The Sukothai Period (1238-1350 A. D.)

The Thai rose to independence by a successful revolt against the Khmers and founded their first kingdom at Sukothai in 1238. The need for maintaining their independence in the face of the threat of the former ruler necessitated the Thai people to organize for war. The Thai administration, therefore, acquired a strong military character. The King was supreme commander and every prince and high-ranking official was a military officer. All able-bodied men were subject to military duty. However, in peacetime, officers and soldiers lived as civilians but in case of military emergency, they entered the ranks subject to the order and regulations of the King. The important Sukothai concept was that of a paternal king who was the father of his people. The King was called *Po Khun* meaning the great father. His chief administrators and the people were called *Look Khun* or great sons and *Look Ban* or sons of the village respectively. In this patriarchal society, the King, as father of his people, combined all the functions of government in his own person. He sat as judge in civil and criminal cases.

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He made his appearance before his officials and people in a selected open space where problems were presented to him by officials for final decision.

During the Sukothai period, a *Muang* or province was the administrative unit. Because of difficulty in communication at the time, the *Muang* became almost independent kingdoms exercising substantial autonomy. Around the capital of Sukothai were four satellite provinces which were called *Muang Look Luang* (towns of the royal sons). These satellite provinces were within a radius of two-days' journey from the capital. Other towns or provinces which were beyond this limit were given almost complete autonomy but were required to pay tributes to the King. All these provinces were governed by hereditary governors. This feudal and patriarchal character of the Sukothai Kingdom survived not only in Ayuthaya but well into the Bangkok period, though in the meantime other elements had altered the monarchical concept.

The Ayuthaya Period (1350-1767 A. D.)

After a century of brilliance, Sukothai was eclipsed by a new dynasty, whose founder, Rama Tibodi, established in 1350 A. D. his capital at Ayuthaya. This marks the beginning of the modern Kingdom of Thailand, of which Ayuthaya remained the capital until 1767.

It should be pointed out that the present site of Thailand during 957-1257 A. D. was dominated by the Khmer who were highly Hinduized people. Through proximity, the Khmer supplied the Thai with a theory of divine kingship and other Hinduized ideas. Khmer theories, however, did not wholly eclipse Thai paternalism but were merged with it.

The Indian concept of *Devaraja* or Royal God which was adopted by the Thai granted the King absolute power. His former paternal relationship with his people was submerged and

replaced by a master-servant idea. There was no legal limit to the King's power. In the civil field, he occupied the top position in the government hierarchy. In military affairs, the King was also supreme. He was the commander-in-chief of all military forces.

King Trailok (1448-1488) was the dominant figure of the Ayuthaya period. In the first year of his reign he reorganized the administration in the country's first attempt at centralization. The essence of King Trailok's plan was centralized control of the outlying provinces. As a first step in bringing the provinces under royal authority, he sent his sons, nephews, and other close relatives to govern the larger towns and transferred the feudal lords to the lesser provinces. These governors were the royal officials and were directly responsible to the King. Thus hereditary governorships were abolished and the control of the provinces was tightened. However, the tributary states were still ruled by their own hereditary princes who were nominally vassals to the King.

At the same time King Trailok brought about a separation between the civil and military administration, which had previously been closely interwoven. Further attempt at functionalization was made by raising the rank of the principal officials at Ayuthaya and placing them in charge of different ministries or departments for the control of the affairs of the whole kingdom.

For the civil administration, five departments were instituted, namely:

1. The Ministry of the Interior (Krom Mahatdai), under *Samuha Nayok*, an official who held the rank of Prime Minister for the civil affairs;
2. The Ministry of Capital Affairs (Muang or Wieng Ministry) which was in charge of the affairs of the Capital of Ayuthaya;

3. The Ministry of Finance (Klang Ministry) which collected the country's treasure and supervised the royal property;

4. The Ministry of Agriculture (Na Ministry) which supervised farming operations, food supplies, and matters connected with the tenure of land; and

5. The Ministry of the Royal Household (Wang Ministry) in charge of Palace affairs and the administration of justice.

For the military administration, a separate Prime Minister, bearing the title of *Samuha Prakalahom*, was set up, with several officials under him, ranking as Ministers, and in charge of different military departments.

The provincial administration was patterned after that of the central government, though the different provinces were classified and staffed according to their importance. In other words, the Ayuthaya ministries were duplicated in each of the provinces.

Another important measure introduced by King Trailok in 1454 was the law regulating *Sakdina* grade. The Thai, even in the most ancient times, possessed a system whereby every man was allowed to hold a certain amount of land. King Trailok's decree on *Sakdina* laid down definite rules regarding the number of *rai* of land over which a man could have jurisdiction. This number was determined in accordance with the man's position. Thus the Crown Prince could hold 100,000 *rai* (2.5 *rai*=1 acre) and officials of the highest rank (Chao Phya) were allowed to hold as many as 10,000 *rai*, while common people could hold 25 *rai*.

So far as officials were concerned, the *sakdina* substituted their pay. They were expected to live on the produce of their land, and therefore received no salaries.

Originally, the *sakdina* system was meant to limit the amount of land to a reasonable number of *rai* which officials of different positions

could be able to cultivate. Later the system lost its territorial significance and acquired other social values, such as indicating the status of an official in the bureaucracy, the place where an official could take during the audience with the King, as well as the size of the fines he had to pay if convicted of an offence, and the amount of retribution others were required to pay in the event of his injury. The modified land-grant system lasted until 1932 when the system of constitutional monarchy was introduced into the country.

The Kingdom of Ayuthaya lasted for four centuries, during which the administrative and legal systems took shape in a form which, in many respects, has lasted until the present time.

The Chakri Dynasty (1782-)

The Ayuthaya period ended when the capital was overrun by the Burmese in 1767. After a brief period of King Taksin of Dhonburi, King Rama I founded a new capital at Bangkok and proclaimed himself the first King of Chakri Dynasty in 1782.

The system of government adopted during Ayuthaya period remained in use during the early Chakri Dynasty and prevailed until the reign of King Chulalongkorn (1868-1910). However, it was King Mongkut (1851-1868) who started towards bringing the administration into accord with the needs of the time. Feeling the colonial pressure of the British to the north and south and the French to the east, King Mongkut realized that the Thai could not maintain their independence, nor could their rulers retain their power, unless modern standards of government were adopted. He acted to deprive foreign powers of any excuse for intervening in Thai domestic affairs. It should be noted that the reign of King Mongkut marked the end of the divine concept as an official

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theory. Also King Mongkut softened the master-servant concept of kingship and revived the old paternal concept of Sukhotai period. A few Western techniques and methods were adopted and the policy of employing Europeans in government was introduced during his reign. King Mongkut could only lay the foundation for future reform when he died in 1868 and was succeeded by his fifteen-year-old son, Chulalongkorn.

It was during King Chulalongkorn's reign that the greatest development and modernization of the country and its methods of government took place.

A sweeping reorganization of the entire government was launched in the 1890's. A measure was taken in 1892 to replace the traditional government departments by Western-style functional ministries. The new ministries were Interior, Defense, Foreign Affairs, Justice, Finance, Public Works, Education, Agriculture, Metropolitan, Royal Household, and Privy Seal. The heads of these ministries formed a cabinet.

At the same time, a step was taken to adopt modern techniques of operation. The fiscal autonomy of the departments was ended. The ministries were required to submit estimates of expenditures for the coming year to the cabinet and the King for approval. The King also placed officials on fixed salaries and regular work hours. In a large measure King Chulalongkorn solved the question of adequate official salaries and placed the finances of the country on a sound basis. The taxation system was also greatly improved.

King Chulalongkorn had from the start further extended the policy of employing a number of Westerners in government service. These men for the most part, however, had held subservient or relatively minor positions in the government. In 1891 the King began a new policy of employing European experts to give advice in the

government on the top level as well as to head the newly set up specialized departments. These advisors and experts numbering around sixty in their heyday, were deliberately chosen from many countries. For instance, the British were employed as financial advisors, the Danes advised on military and gendarmery affairs, the Japanese were employed as soil experts, the French, Belgian and Japanese as legal advisors and the American as advisors on foreign affairs. The effort of the government was to use foreigners not only to direct activities in the government for which the Thai had no training but also to bring the benefits of their experience in other matters to the Thai. The government was careful, in its use of advisors, to retain control over them. On the whole, the Thai retained the final say so that Thailand was able to imbibe of Western administrative theory and practice without the handicap of foreign entanglements.

The King did not intend to depend on these foreign advisors forever. He set up, at the same time, the King's scholarship program under which innumerable young Thai were sent abroad to study. Almost without exception those receiving Western educations were absorbed into the government service, thus crystallizing a Thai tradition of long standing, namely, that those with good educations enter the bureaucracy.

A training program for public service was also inaugurated by King Chulalongkorn who, in 1902, set up a Royal Pages' School. The aim of the school was to give a general education with emphasis on training in government administration. Graduation was followed by a period of probation under His Majesty's patronage, after which the graduates were assigned to work in various government offices in the Kingdom. The school developed into a Civil Service College in 1911 and the curriculum was expanded to include Law, Government Admini-

stration, Foreign Service, Agriculture, Engineering, Medical Science and Education. In 1917, the status of the Civil Service College was elevated to that of a university and was named Chulalongkorn University in honor of King Chulalongkorn.

After the reorganization of the Ministry of Interior in 1882, the policy of centralization of provincial administration was greatly extended and systematized. A provincial structure of geographic divisions was established, in which the country was divided into circles (*Monton*), provinces (*Changwat*), districts (*Ampur*), communes (*Tambol*), and villages (*Muban*). For the most part, this system remains until today.

The establishment of *Monton* or circles by King Chulalongkorn deserves some elaboration. Prior to the reorganization of administration, the country was divided into some 137 provinces or *Muang* governed by provincial governors. Some of these governors particularly those of the southern provinces were responsible to the Minister of Defence, others particularly those of the northern provinces were responsible to the Minister of Interior, still others of the central provinces were supervised by Krom Tha (literally translated: "Department of Wharves" which was responsible for both foreign and financial affairs.) This setup entailed numerous administrative problems. First, since the administration of these provinces was in the hand of several Ministers, it was, as a result, difficult to maintain one single administrative standard throughout the country. Besides a great deal of overlapping between offices which had crept into the governmental operations made co-ordination of administration a serious problem. Of equal seriousness was the problem of communication. It was impossible for each minister to travel to every province under his control to inspect the operations of that province. It took, for instance, ten days at that time to go

up to a province of about 300 kilometres away from Bangkok. Out of sheer necessity, therefore, all orders were made in written form and sent to the governors. How well the orders were understood and how well they were carried out could hardly be determined. To cope with these problems, King Chulalongkorn introduced a new system under which the former provinces were grouped into 20 circles or *Monton* and placed under the sole jurisdiction of the Ministry of Interior. The Lord Lieutenants of *Montons* were selected from the best administrative talents of the Kingdom. They acted almost as an *alter ego* of the Minister of Interior in their jurisdiction. To ensure uniformity of administration, an annual conference of *Monton* Lord Lieutenant was held and presided over by the Minister of the Interior. At this meeting, the Lord Lieutenant would be informed of the King's policy. New actions introduced by the Minister as well as other administrative problems were discussed during the two-week-long conference. In addition to bringing about co-ordination and uniformity of administration throughout the Kingdom, this arrangement did away with the traditional practice of referring all matters to the central government for decision. Most of the responsibilities of the central government were delegated to the *Monton* Lord Lieutenants whose duties were to see to it that government's policies were best implemented.

By 1910, when King Chulalongkorn died, great strides had been taken toward making the Thai government efficient and the Thai state unitary. The administrative apparatus which he left on his death "constituted the basic raw materials from which public administration of present-day Thailand had been fabricated."

King Chulalongkorn was succeeded by King Vachirawut (Rama VI) who reigned from 1910-1925. During his reign, King Chulalongkorn's

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policy of modernizing Thailand was continued. King Prachathipok acceded the throne after his brother's death in 1925. King Prachathipok's reign was marked by great reliance on royal officials, frugality, emphasis on efficiency in administration, and sympathy for constitutionalism. One of his innovations deserves our attention. In 1928 the King enacted a civil service law providing, for the first time in Thailand, a system of recruiting officials on the basis of competitive examinations. The Civil Service Act of 1928 created a Civil Service Commission composed of Ministers of Finance, Foreign Affairs, and Education as ex officio members and two other members appointed by the King. The Commission was empowered to specify the subject required for entrance examinations as well as to arrange such examinations.

King Prachathipok was the last of the absolute monarchs. The change from the absolute monarchy to the constitutional monarchy was brought about by a coup d'état which took place on June 24, 1932. The constitution signed by King Prachathipok on December 10, 1932, provided that the sovereign power emanated from the Thai people. The King who remained as head of the nation, was to exercise the legislative power by and with the consent of the Assembly of the People's Representatives, the executive power through the Council of Ministers, and the judicial power through the courts duly established by law. This political change was not followed by any major change in the basic structure of administration. This fact is well observed by W. D. Reeve as follows:

The structure of the administration as it stood during the era of the absolute monarchy has, in general, undergone very little change during Siam's political transfiguration. The same ministries, more or less, remain, though a Minister is new... responsible firstly to the Cabinet and to the

Assembly, instead of directly to the King. The same organization of the country into some seventy changwat or provinces continues, though there have been some adjustments in boundaries and some changes in methods of control. The same arrangement of departments into sections and divisions and the grouping of the departments under the control of a Ministry continues.... The same grades of officials fill the same posts, save that their names, ranks, and positions, as well as methods of recruitment and promotion, have now been properly organized and standardized since the establishment of a (new) Civil Service Commission.

2 GENERAL STRUCTURE OF THE PRESENT GOVERNMENT AND ADMINISTRATION

In Thailand six constitutions have been adopted one after another since 1932. These constitutional changes usually followed a series of coup d'état launched during the period of the past two decades.

The present constitution was promulgated on January 28, 1959 and is intended to be a temporary one. It was put into force by the "Revolutionary Party" who seized the power a few months earlier. Article 6 of this constitution authorizes the setting up of a Constituent Assembly to draft a permanent constitution. The date for the completion of the drafting of the new constitution has not been set since the government needs time to carry out its objectives by using power granted it by the interim constitution. These objectives include, among others, the eradication of the communist elements, the suppression of crimes, corruption and other vices. To facilitate the fulfillment of these objectives, Article 17 of the Constitution provides:

During the enforcement of the present Con-

stitution, whenever the Prime Minister deems appropriate for the purpose of repressing or suppressing actions whether of internal or external origin which jeopardize the national security or the throne or subvert, or threat on law and order, the Prime Minister, by resolution of the Council of Ministers, is empowered to issue orders or take steps accordingly. Such orders or steps shall be considered legal.

All order issued or steps taken by the Prime Minister in accordance with the provisions of the foregoing paragraph shall be made known to the National Assembly.

Being temporary, the present constitution consists of only twenty articles. However, Article 20 states that:

In the case where no specific provisions of the present constitution are applicable, decision shall be based on Thai constitutional practices.

Therefore, the following discussion will not only be based on the present constitution, but also on the constitutional practices established by the previous Thai constitutions.

The government of Thailand has been parliamentary in form since the establishment of constitutional monarchy in 1932. All previous constitutions as well as the present one provide that the sovereign power emanates from the Thai people. The King, who remains the head of the nation, is to exercise the legislative power by and with the consent of the national Assembly, the executive power through the Council of Ministers, and the judicial power through the courts duly established by law. Under the previous constitutions, the National Assemblies were composed of members elected by the people but the current constitution provides that the National Assembly consists of 240 members appointed by the King. Constitutionally, the Assembly had and still has the power of control over the affairs of the state and all laws can be promulgated only by and with the advice

and consent of the Assembly. The State Budget is voted by the Assembly in the form of law.

The Cabinet, or the Council of Ministers as it is known officially, is vested with executive power. Traditionally, the Council consists of a President (usually referred to as the Prime Minister,) and from fourteen to twenty-eight Ministers of State. Nominally, appointment of the Prime Minister and other Ministers was made by the King: actually, the composition of the cabinet was determined on the basis of majority control in the Assembly. Nomination of the Prime Minister and other Ministers was a function of the political group or groups in power in the National Assembly. The constitution provided that the King could not appoint the Cabinet without the advice and consent of the Assembly. The constitution further provided that the Council of Ministers had to retain the confidence of the National Assembly while in office. The Council had to resign in a body upon the vote of no-confidence or in the event of the President of the Council vacating his office.

The interim constitution simply provides that the King appoints a Prime Minister and an appropriate number of Ministers forming the council of Ministers responsible for the national administration. The constitution only requires that the appointment of the Prime Minister must be countersigned by the President of the National Assembly. The King holds the prerogative of relieving Ministers of their posts.

Constitutional responsibility for the national administration and for the executive power was placed in the hands of the Council of Ministers. Under this broad mandate, the Cabinet has the following specific functions:

1. To formulate government policies to be submitted to the National Assembly;
2. To supervise and control the administration of government plans and policies;

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3. To take final decision in all matters of policy affecting the security and welfare of the country;

4. To co-ordinate the work of the different ministries;

5. To review the budget and present it to the National Assembly for enactment.

The discussion of the government of Thailand will not be complete without mentioning the Thai monarchy. The King is deeply revered and is the symbol of the nation and helps unite the people of different parts of the country.

Although the responsibility for actual administration resides in the Office of the Prime Minister and the Cabinet, the social influence of the King must not be overlooked. Since the King is politically neutral, he is respected by all political factions in the country. While above politics, the King has the right to consult with and be consulted by the government in power. The King's warning may force the Prime Minister to think twice before taking any controversial action. The advising and warning functions of the King are very valuable. To gain the support of the public, the leader of a new government will never hesitate to announce that the throne will be upheld. A wise Prime Minister can put the royal prestige to work for the benefit of the country.

The administration of the Kingdom of Thailand is organized at three levels: central, regional, and local. Space allows only brief discussion of each level.

A. The central administration includes: (1) the Office of the Prime Minister; (2) Ministries; (3) departments and other government bodies of equivalent status.

In addition to the Office of the Prime Minister, there are thirteen ministries. The functions of the various ministries in Thailand are very similar to those of the major subdivisions of the executive branch of any modern government

— for example, defense, agriculture, foreign affairs, finance and education. The head of each ministry is its political chief—the Minister—who is responsible to the Cabinet and, according to the constitutional practices, to the National Assembly for the proper functioning of his ministry and its subordinate departments.

In each ministry, there are the Office of the Undersecretary and a number of departments. The Undersecretary is the nonpolitical head of the ministry who remains in office however often governments may change. He is responsible for all government functions of the ministry which do not specifically belong to any department in the ministry. The number of departments in each ministry depends on the volume of work and the fields of specialization for which the ministry is responsible. While there are eight departments in the Ministry of the Interior, there are only five in the Ministry of Industry. Each department is headed by a Director-General who is also a permanent civil servant. A department is divided into divisions each of which subdivided into sections. The section is the lowest administrative unit of a ministry.

B. The Regional Organization: Every Thai constitution adopted since 1932 declares that "Thailand is a Kingdom, one and indivisible." The concept of unitary state has a great impact on the Thai public administration. According to this system, the country is divided into provinces for administrative purposes. These provinces are not the autonomous units but are almost entirely governed from Bangkok. They can be created, abolished, or have their boundary changed by an ordinary law. Constitutionally, all powers reside in the central government. The powers that the provincial governments have are delegated powers which can be revoked at will by the central government. All officials in the provincial governments except those in

clerical positions are centrally appointed. They can be transferred from one province to the other by the order of the central government. They can be promoted, demoted or even removed by the central government in accordance with the Civil Service Law.

The provinces are the primary administrative divisions of the country. There are at present seventy-one provinces. The administrative head of each province is the Provincial Governor who is a permanent official of the Ministry of Interior. The Governor is in charge of all civil servants in his province and is responsible for the efficient operation in his territory of all offices. In addition to a Deputy Governor, there are in each province representatives or agents of departments which have country-wide duties. These officials are appointed by the departments and sent to the provinces to carry out the work of the departments. Although these departmental officials are responsible and report to their respective Directors-General, they come under the supervision of the Governor and they constitute his advisory council. This is a situation of dual supervision which calls for a good deal of wisdom and skill in co-ordination on the part of the Provincial Governor.

Each province is divided into districts. Each district is in charge of a District Officer who is a career civil servant and subordinate to the Provincial Governor. Other district officials include the unit chiefs who represent the departments of the central government in the district. The District officer has the same authority and duties in his area as those possessed by the governor of a province.

Within each district, the rural areas are divided into *Tambol* (communes) and *Muban* (villages) which are more important as units of local government than as administrative units of the central government. Each commune

has a *Kamnan* who, for a nominal salary, measures land, registers deeds, and presides over the meeting of village headmen by whom he is selected subject to the approval of the District Officer. Village headmen or *Poo Yai Ban* are popularly elected by the village residents. *Kammans* and village headmen are not under the civil service although for the most part they are dependent on and controlled by the district governments.

C. Local Government: The local government in Thailand is the municipality which is an incorporated unit of government designed to permit some self-government in urban areas.

Like cities elsewhere in the world, municipalities in Thailand exercise legislative and administrative functions, provide certain services, have their own elective officials and their own civil service. Within the boundaries of the cities, municipal employees carry on the principal functions which are performed in rural areas by the district officials. Municipalities are created by royal decrees in accordance with provisions of the National Municipal Act of 1953.

A considerable degree of autonomy in local government was an ideal of the leaders who brought about the democratic regime in 1932, but so far this aim has been realized only to a limited degree. The long tradition of absolute monarchy and the habits of centralization, combined with a lack of any organized demand for self-government by the people have prevented much progress in the direction of local autonomy over the years since 1932.

Some other local units such as Sukapnibal, Sapha Changwat are in the experimental stage and a community Development program is now launching too. The autonomous local government in Thailand is an interwoven practice between the deconcentration and decentralization systems which is now under a study for revision.