Chapter IV
Government and Politics in Thailand

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Chapter 4
GOVERNMENT AND POLITICS IN THAILAND:
A GENERAL OVERVIEW

Thailand's present political system has undergone gradual and practical evolution in response to the changing socio-political situation. The present chapter discusses in detail about the dynamics of political developments and constitutional developments in Thailand from past to the present.

As we have pointed out in earlier chapter, the Thailand had absolute monarchy since ancient times. All the monarchs were Buddhists and they had tried to enjoy their powers in the light of Buddhist principles. According to the Buddhist principle, every king should be with common people at least for a year before he take over the power as king. The purpose behind this this norm was that the king should be able to realise the actual problems of the people. This has been practiced by all the kings under Sukhothai Era, The Ayuthhaya Era, The Thonburi Era and the reign of the king Rama.

The kingdom of Sukhothai adopted the paternalistic system of government. The king, while enjoying absolute sovereign power, would, like a father, look after all his subjects and personally pay close attention to their wellbeing. The king was very sympathetic in his attitude about the subjects. The king during the early Sukhothai period was called pho khun¹ until it was changed to praya² because of an influence of the Khmer. In the course of time, informal and emotional relationship between the King and the subject was changed into “master and servant style”. The government was making the people dependent on the government for their survival. The government devised three administrative divisions for controlling and regulating the regions in Thailand namely³: the capital zone (the capital city and its periphery), the city states zone (regional cities) and dependent states zone.
The Ayutthaya kingdom against Buddhist tradition inherited extensive Khmer traditions and customs, including their system of government with the kings as demi-gods. This system had three considerations: state is originated by God’s order, God appoints the ruler and ruler is only responsible to God.⁴

Due to divine rights concept the king was separated from his people. The ruling class had a privilege as if they were god and common Thai people were neglected in every aspect of life. During this period, the nature of the government was more or less oppressive. However, the king Rama I tried to improve upon the rule by introducing chatusadon concept.⁵ According to this reform, the king was to take support of 4 ministers namely: Interior (Muang), Royal affairs (Wang), Finance (Klang), and Rural affairs (Na). In addition to this, king Rama I also brought about the reforms in provincial government. For provincial administration, the capital city and inner town zone was expanded in order that the central administration would control the provincial one effectively. During this era, provincial administration was reformed which was called “Local Government Administration Regulation” This regulation divided each town into districts, sub-districts and villages.⁶

This was the shortest era, During this period (1767-1782), both central and provincial administration were the same system and concept as of the Ayutthaya era. The government system was not reformed during Thonburi era because the kingdom was in trouble due to with conflicts and wars. The three main groups called Taksin, Tong Duang and Wang Hlang were fighting with each other for capturing political power. Consequently, there was no peace and harmony prevailed in Thailand during this period.⁷

In face of the threatening advance of colonialism, king Rama V or his majesty king Chulalongkorn the Great (1868-1910) carried out major reorganization of central, regional and local government, which formed the basis of the present system. The reforms for the country’s modernization proved successful both in maintaining the country’s independence throughout the
turbulent years of the western colonial threat and in providing a foundation for the modern system of government. The king Rama V took efforts to change the ancient face of Thai society and also attempted to introduce some western values relating to education, agriculture, politics etc. As a result, Thai society gradually tend to adopt the new values and turned to be a open society. It is remarkable to the rule of king Rama V that he brought relaxation, and opportunities of education to the Thai people.

Taking the advantage of liberal rule of king Rama V, group of young intellectuals educated abroad and imbued with the concept of western democracy, staged a bloodless coup led by a civilian military group on 24th June 1932 demanding a change from absolute to a constitutional monarchy. Determined to avoid any bloodshed, his majesty king Prajadhipok (Rama VII) agreed to the abolition of absolute monarchy and the transfer of power to the constitution-based system of government as demanded. This demand was premature, but fortunately with the far-sightedness of king Prajadhipok, the demand was met in under to avoid the rift between the people and the king. The king Rama V and the king Vajiravudh were against constitutional monarchy during their times. However, the king Prajadhipok had an intention of accustoming the Thais to the western system of constitutional monarchy and had considered the eventuality of altering such form of government to the people at an appropriate moment.⁸

There were some basic changes during the era of modernization notably the change in attitude toward the monarchy and the centralization of power, set the stage for the introduction of a constitutional regime. There were some trends resulting from the spread of western ideas beyond the control of the monarchy and which forced it to adopt a policy of convenience in order to ward off the danger to the throne. The seeds of political change were sown by the modernization of the country and the contacts with the west. The well educated members of the ruling class threatened the existence of the absolute regime. Prior to the great reform movement, a mild opposition to the royal monopoly of power appeared first in the
reign of king Chulalongkorn. King Chulalongkorn thought that the country was not ready for democracy at that time. He claimed that the introduction of representative government in Thailand without due regard to reality would be premature. By the reign of king Vajiravudh, all the difficulties and shortcomings of the simple absolute monarchy become apparent. The king’s continued policies of modernizing and centralizing the government had effectively kept the modernized bureaucracy under his control, but his lack of political skill had pushed all the deficiencies of the absolute monarchy to the fore.\(^9\)

There are many reasons for the overthrow of the absolute monarchy to initiate a new system of government. Firstly, there was dissatisfaction prevailed among the people when king Prajadhipok made extensive changes in government positions. During the reign of king Vajiravudh the more important government positions had been in the hands of commoners of the khun Nang class (commoners class) who had achieved high rank by their own ability. This shift of power made many commoners feel that they were being ruled without adequate representation. Secondly, there was a great crisis of international capitalism in the early 1930’s. These repercussions in Siam were sufficient to bring down a flawed monarchical regime. The price of rice, the country’s principal export fell more than half during the depression years. This in turn reduced the incomes of farmers. It worsened the burden of taxation, and increased the pressure on money lenders to repay debts. Government revenues dependent on trade, fell far below expectations. In an effort to reduce the budget deficit many officials were dismissed, both civilian and military. The economic depression brought great misery to the poorer classes, both in Bangkok and the countryside.\(^{10}\)

Due to all these reasons’ the firm political institution of absolute monarchy was broken all of a sudden in 1932. On June 24\(^{th}\) 1932, people awoke in the morning to have a surprise shock apparently all of a sudden a political coup’d’etat. In the early morning hours of that day, they captured political power and threw over the age old institution of absolute monarchy. The coup was exclusively
masterminded, planned and executed by a handful of senior military officers, powerful bureaucrats and a few civilians. Thus democratic government came in Thailand.\textsuperscript{11}

On 10\textsuperscript{th} December 1932, his majesty king \textit{Prajadhipok} signed Thailand’s first constitution and thus ended 700 years of Thailand’s absolute monarchy. Despite the number of successive constitutions that followed in the span of just over half a century the basic concepts of constitutional government and monarchy laid down in the 1932 constitution have remained same.

\textbf{The constitutional development:}

After the coup d’etat of 1932, Thailand become a constitutional state of limited monarchy. The king still remained as the head of the state with the Assembly of People’s Representative exercising the legislative power, the council of ministers’ the executive power, and the judicial power through the court.\textsuperscript{12}

The structure of the administration had shifted the responsibilities of the ministers or state councillors to the Assembly instead of directly to the king. The country was divided into 70 changwad or provinces (at present 76) under the direct control of the minister of Interior of Central Government. The following design in figure 3.1 illustrate the nature of the national government. As per the new constitution, the king like the king of England is at the apex and had legislative, executive and judiciary powers. He exercises his all powers through the Prime Ministers and the council of ministers.
The constitutional development in Thailand however, has not been a smooth process, because it was marked by confrontations between liberal and progressive forces and more between traditional and conservative elements, as well as rivalries of many competing interests and factions. In 1932, the ruling group drafted a constitution on their own without establishing a Constituent Assembly. This constitution was supposed to be an interim arrangement which could be changed after 10 years.

In 1946-47, military government drafted a new constitution, with the help of highly educated people. This time also the Constituent Assembly was not established for drafting the new constitution. The new constitution provided a bicameral legislation of which the lower house was to consist of members directly elected by the people and the upper house was to consist of indirectly elected members. A coup occurred in 1947 under the military leadership of Saris Thannarat which rejected the 1946-47 constitution.\(^\text{13}\)

The constitution was replaced by a new one in 1952. In fact, this new constitution was nothing but the replica of 1932 constitution with minor changes. In yet another event, Thanom Kittikhajon, a military general took over the power from Saris Thannarat and became the Prime Minister. Like earlier Military
leaders, he also redrafted the new constitution of his choice in 1968. Another military general Sanya Thammasak came to power by over throwing the rule of Thanom Kittikhojon in 1978. He arranged to draft the constitution hastily and promulgated on December 22, 1978, stipulating that the National Assembly be consisted of two houses.\textsuperscript{14}

Military coups had become institutionalized. Jurists, politicians, academics, and military officers were still arguing in 1978 about the real meaning of democracy, still searching for the most appropriate system of government for the Thai people, still expressing the belief that \textit{the Thai people are not yet ready for democracy}.\textsuperscript{15} In 1978, a new constitution was promulgated and continued to exist largely in the same form for over 12 years until the coup d'\textit{etat} of 23\textsuperscript{rd} February 1991 under the leadership of Mr. Khuang Apaiwong.

Thus since 1932 the political system of Thailand has witnessed seventeen successful coups d'\textit{etat}, the last one was carried out on February 23, 1991, and two failed attempted coups. Moreover, the country has had twenty one permanent constitutions, the last one of December 9, 1991, six interim constitutions, and seventeen national elections, the last two held on March 22 and September 13, 1992\textsuperscript{16}.

There are two outstanding characteristics of unique constitutional development. Firstly, the national elections and the military coups are both perceived as legitimate mechanisms for political change in the country. Secondly, each new constitution, whether permanent or interim, has outlined the new division of power among the principal branches of the government, i.e. the king, parliament, senate, courts and bureaucracy, which in turn expresses the new correlation among the principal contending forces, i.e., the military bureaucracy, political, intellectual, cultural and business elites of the country.

The King is well entrenched in all the constitutions, whether permanent or interim. According to article 4 of the Thai constitution of 1972, and the article 6 of the constitution of 1978, the king shall be enthroned in a position of revered
worship and shall not be violated. No person shall expose the king to any sort of accusation or action.\textsuperscript{17}

**Political development after 1932:**

The politics of Thailand took a very significant turn on 24\textsuperscript{th} June 1932 when a group of young intellectuals; educated abroad and imbued with the concept of western democracy, staged a bloodless coup, demanding a change from absolute to constitutional monarchy. Determined to avoid any shed blood, king *Prajadhipok* (Rama VII) agreed to the abolition of absolute monarchy and the transfer of power to the constitution based on system of government as demanded on 10 December 1932. King *Prajadhipok* signed Thailand's first constitution and thus ended 800 years of Thailand's absolute monarchy.

King *Prajadhipok*, however, grew increasingly concerned about what he saw as dictatorial tendencies on the part of the government set up by the ‘*Kana Raat’* (People's Party). He felt that the monarch still had an important part to play as protector of the people within the constraints of the constitution. However, the government continued to whittle away at the rights and powers of the monarchy even as it ruled in his name. King *Prajadhipok* finally demonstrated his displeasure by leaving the country in 1934 to live in England, ostensibly for medical treatment. He continued a dialogue with the government, calling for an end to the repression of political opponents, the abolition of secret executive committees and the establishment of a real democracy. The government, however, was unable to satisfy the king that progress was being made.\textsuperscript{18}

Weak civilian coalition governments, particularly those unable to govern effectively, were often overthrown in coup d'etat. Military groups influenced political parties seeking to maintain their hold on power. The civilian factions steadily lost power to the military, which then split into several factions itself.

Between 1932 to 1958 there were five military coups d'etat. Each was an attempt to drive out civilian political leaders. The military, however, never
professed an intention to rule permanently. Typically, the military would justify their takeover by citing the mistakes, incompetence or corruption of the civilian regime and announce that there would be a return to civilian rule, usually after the drafting of a new constitution.

When the Second world war broke out, Japanese troops invaded Thailand. Rather than risk the destruction of the country in futile resistance, the civilian government resigned, allowing Field Marshall Plaek Pibulsongkram to become Prime Minister at the head of a pro-Japanese government.¹⁹

After the allied victory, the Prime Minister was forced to resign and put on trial. This allowed Pridi, who had secretly assisted the allied forces during the war to return to power. The mysterious death of King Rama VIII in 1946, however, led to severe political problems for Pridi who was forced from power and had to flee the country in 1948. This opened the war for a political comeback by Plaek who led the country until he was ousted by army rivals in 1957.²⁰

Field Marshal Sarit Thanarat came to power through a bloodless coup. At a time when the cold war was at its height, Sarit was known for his strong anti-communist stance. Sarit was unafraid to use harsh tactics, particularly when he could justify them as in the public interest. He created an image of a nonsense patriarch. He successfully crushed two revolts attempted by the followers of Pridi Panomyong and naval officers.²¹

The Thai people, tired after 14 years of rule by Field Marshal Plaek, generally welcomed Sarit when he appointed himself leader of the "Revolutionary Party". He created a Constituent Assembly to replace the elected parliament. The Assembly was assigned to draft a new Constitution Assembly to replace the elected parliament. The Assembly was assigned to draft a new constitution and given seven years to complete the task. While waiting for the constitution, the "Revolutionary Party" acted as the ruling body and its announcements had the force of law.²²
Because the Sarit regime was regarded as pro-American and anti-communist, Thailand received significant foreign aid from the US. This aid, which funded a major infrastructure development program, helped make Sarit popular for bringing progress to Thailand. Highways from Bangkok were constructed to connect the capital with rural areas, especially the impoverished Northeast, Sarit’s home region.\textsuperscript{23}

Field Marshall Sarit shrewdly followed the advice of senior civil servants, particularly those handling the economy. So even though he was authoritarian, he was regarded favourably by many people and left a leadership void when he died in 1963. He was succeeded by his closest lieutenants, Field Marshall Thanom Kittikachorn and Field Marshall Prapas Charusatin who ruled on the basis of their strong support within the military.\textsuperscript{24}

The military, backed by conservative civilian groups, appeared to be in power for the long term. In 1972 and 1973, however, unlikely new contenders for political influence emerged-idealistic student, farmer and labour groups. These groups first came to national prominence by organizing protests against what they saw as unfair economic domination by Japan. These protests, initially supported by the military government as leverage in negotiations with Japan, gave the students a taste of power and a national reputation as defenders of the interests of Thai people.\textsuperscript{25}

Then the key military leader-Prime Minister Thanom and Deputy Prime Minister and Interior Minister Prapas - sought to prolong their hold on power by extending their terms in the military beyond the normal retirement age. They also refused to act on promises to promulgate a new constitution and hold new elections. This caused concern and unease that went well beyond the student groups. Civilian leaders, some business establishment, members of the bureaucracy and even some elements of the military were unhappy with the two military leaders. Finally, Thanom and Prapas had to accept retirement from active service, but still clung to their government posts. The students groups, using the
public protest techniques they had used for the earlier anti-Japan demonstrations, increased pressure on the government, eventually bringing half a million protesters into the streets. When violence broke out between police and protesters, major elements of the military refused to intervene on behalf of the government. King Bhumibol stepped in to defuse the crisis by asking the government leaders to resign and the students to end their demonstrations.26

The three top government leaders - Prime Minister Thanom, Deputy Prime Minister Prapas and Col. Narong (Thanom's son and Prapas's son-in-law) - were sent into exile. A caretaker government led by a respected educator, Dr. Sanya Dharmasak, took office. A new constitution drafting committee began its work and elections were planned for 1975. There were still, however, major disagreements on the direction of further political change. A variety of student groups demanded a host of changes in the name of democracy. Anti-American sentiment was prevalent among some groups. Other factions were alarmed at what they believed was growing communist influence in the country. Farmers and workers were much more concerned about economic issues and demanded major changes. Vested business interests fought against those demands. Given what seemed to be the stunning success of the student methods of loud protest, demands and pressure, all the various groups and factions used these tactics to advance their causes.27

Thailand was thus launched into a three-year period of strides, protests, demonstrations and political violence. Increasingly, it were the groups pushing for further change in the system - students, farmers and labour unionists -who were the targets of violence. Two elections that brought in democratic but ineffectual governments only increased the tensions. The public became disillusioned with the democracy ushered in by the 1973 uprising.
The counter-coup of 1976, military rule and parliamentary government, 1976 – 1983:

With the support of the king and the military membership a new government was formed under the prime ministership, of Thanin Kraivichien, a former Supreme Court justice who was well known for his honesty and integrity. However, Thanin was a passionate, anticommunist and established a regime that was in many ways more repressive than those of earlier military strongmen. He imposed strict censorship, placed unions under tight controls, and carried out anticommunist purges of the civil service and education institutions. The brief interlude of democracy culminated in a violent right - wing attack of students demonstrating at Thammasat University against the return from exile of ousted Prime Minister Thanom. This attack, on October 6, 1976, was immediately followed by a military coup that ousted the elected government. The military formed a civilian-led administration which, however, failed to win much public support due to its repressive policies. It was ousted in 1977 by moderate Army Commander Gen. Kriangsak Chomanand.28

Kriangsak worked cleverly to reduce political conflicts. With an adroit foreign policy, he capitalized on the rift between China and the Soviet Union. He also launched an amnesty program for members of the communist insurgency in Thailand. Kriangsak recognized that although people were disillusioned by the loud and uncontrolled "democracy" of the past few years, they were not prepared to accept military rule for very long. His government supervised the work of making the new constitution that provided for the phased return of democracy. He courted moderate union leaders, raising the minimum daily wage in the Bangkok area in 1978 and again in 1979. He allowed limited press freedom, and he lended verbal support to the idea of land reform, though no action in this area was forthcoming. In September 1978, he issued an amnesty for the "Bangkok 18" dissidents who had been arrested in the October 1976 violence and tried by military courts.29
It is to be acknowledged that due to the efforts of Kriangsak a new constitution was promulgated in December 1978. The 1978 Constitution established a bicameral legislature, the National Assembly, consisting of the popularly elected House of Representatives (301 members) and the appointed Senate (225 members). The military controlled appointment to the Senate, and it could block House of Representatives initiatives in important areas such as national security, the economy, the budget, and votes of no confidence.\textsuperscript{30}

The 1978, document also stipulated that the Prime Minister and cabinet ministers did not have to be popularly elected. When elections were held on schedule in April 1979, moderate rightist parties the Social Action Party, the Thai Citizens' Party, and the Chart Thai (Thai Nation) Party won the largest number of seats, whereas the Democrats lost most of their seats.\textsuperscript{31}

In February 1980, the Kriangsak government announced sudden increases in the prices of oil, gas, and electricity. This action provoked opposition from elected politicians and demonstrations similar to those of 1973 by students and workers. As opposition grew, Kriangsak rendered his resignation. In March 1980, consequently General Prem Tinsulanonda, who had been army commander in chief and defense minister, became prime minister with the support of younger officers of the armed forces and civilian political leaders.

In 1987, Thailand was stable under Prime Minister Prem's eighth consecutive years of administration, even though his leadership was criticized for alleged indecisiveness and many weaknesses. As in past decades, the military continued to be influential in the political process. Significantly, however, one of the most surprising aspects of recent Thai Politics, as American political scientist Ansil Ramsay noted, is that political change has occurred within a parliamentary framework instead of through military coups.\textsuperscript{32}

In January 1980, while dismissing as obsolete the flurry of seasonal rumours of an imminent coup, then-Prime Minister Kriangsak declared that our military officers who are pursuing a democratic course would never allow it to
happen. He did not, however, rule out a coup if there were good reasons for it, but only as a last resort.\textsuperscript{33} He also made the point that he would step down if there was a majority political party run by trustworthy and efficient political party executives.

*Prem* survived though there were two attempted coups and provided years of stability, which was the needs of the time for the institutionalization of a political process based on the party system. The development of party politics was still under way in 1987, albeit with occasional setbacks.\textsuperscript{34}

Although *Prem* initially ruled through a coalition cabinet of three parties - the Democrat (*Prachathipat*) Party, the Social Action (*Kit Sangkhom*) Party, and the Chart Thai (Thai Nation) Party - his real political base was the armed forces, the traditional source and guarantor of political power. In 1980, as from the early 1970's the military was divided into several cliques. One of the more influential cliques called itself the *Young Military Officers Groups*, popularly nicknamed the *Young Turks*. The influential members of this group belonged to Class Seven of the elite Chulachomkhla Royal Military Academy. Their aim was to enhance military professionalism as well as to ensure a decisive role for the military in the Thai political process.\textsuperscript{35}

In 1980, their support was key to *Prem*’s ascension to the prime ministership. In April 1981, however, they turned against *Prem*, who at that time was still army commander in chief. Apparently, the Young Turks believed that *Prem* had betrayed their trust by consorting with political opportunists and party politicians in his coalition government and worse yet, by taking sides with rival military cliques opposed to the Young Turks.\textsuperscript{36} For two days, the young Turks controlled the capital city, but they failed to win the monarch’s tacit consent, which had been crucial to the traditional legitimization of a coup. Thirty-eight coup plotters - including their leaders, Colonel Manoon Rupkahorn and Colonel Prachak Sawangchit - were dismissed from the army. After the abortive coup, General Arthit Kamlangek, who was credited with a key role in thwarting the
attempt, was promoted to commander of the First Army Region; traditionally, this post was regarded as the most strategic one in the making of coups and countercoups. It was also noticeable that Class Five of the military academy, the Young Turks' chief rival faction, were promoted to some key army posts.\(^{37}\)

In August 1981, Prem relinquished his post as army commander in chief but continued to head his second coalition cabinet. This coalition was formed in March 1981, after a cabinet crisis brought on by the withdrawal of the Social Action Party from the ruling coalition. The second coalition comprised the Chart Thai Party, the Democrat Party, and the United Democracy Party, the later a loose alliance of minor parties. In December 1981, this cabinet was reorganized to make room for the Social Action Party, which decided to return to Prem's third cabinet.\(^{38}\)

Another notable development of the year was Kriangsak's active reentry into a partisan politics when he won a parliamentary by-election in August. For this purpose, he founded the National Democracy Party in June. Thus, he became the first former army commander in chief and prime minister to enter into party politics through the front door- the parliamentary route.\(^{39}\) Because of his background and experience, Kriangsak was often regarded as an alternative to Prem.

Another frequently mentioned alternative was General Arthit, a palace favorite, whose rapid rise to the post of commander in chief of the army in October 1982 was unprecedented. To some Thai observers, outspoken Arthit was the strongman of the future, destined to become the next prime minister.\(^{40}\)

It was not unusual for a Thai general to air his views publicly on socio-economic or political issues, and such utterances were often considered important. As political scientist John L.S.Girling noted, The power and authority of the military-bureaucratic regime, which had been so long in existence, depended not so much on the physical means of coercion that it possessed as in the acceptance
by extra bureaucratic elements of the inevitability of that power and their inability to challenge it.41

In the 1980's, the military dominance in politics, however, seemed to be undergoing some change, partly because the officer corps were not as cohesive as it had been previously and hence was less able to impose its will. For example, the lack of unity among the officers and their allies in the Senate and the political parties was largely to blame for the failure to amend the constitution in 1983. Factionalism continued unabated, particularly between members of class seven and class five of the Chulachomklao Royal Military Academy. The relative influence of these factions was reflected in the annual reshuffle year in September. By 1983 the class five faction sometimes known as the "democratic soldiers" group, seemed to be particularly influential.42

Another factor bearing on the military's changing political role was the generals' own growing perception that a coup was undemocratic, if not uncivilized. As a result, an increasing number of generals and colonels in retirement chose to involve themselves in party politics. In the election held on April 18, 1983, for example, the Chart Thai Party captured 73 of 324 seats in the House of Representatives - nearly twice its 1979 total. Led by Major General (retired) Pramarn Adireksan, this party had a large number of retired military officers. After the election, the Chart Thai Party emerged as the top party in parliament with 108 seats by absorbing independents and other minor party members. Nonetheless, it was not included in Prem's fourth coalition cabinet. This exclusion reportedly was because of the party's aggressive post election manoeuvres for what it claimed as the moral right to form a new government. Such aggressiveness antagonized other parties which wanted Prem for another term as their consensus prime minister. Prem's fourth coalition consisted of four parties: Social Action Party, Democrat Party, Prachakorn Thai (Thai People) Party, and National Democracy Party.43
The political situation was volatile during 1984, with rumours of a coup, a cabinet reorganization, and a rift between Prem and Arthit - two of the most frequently mentioned political actors. Arthit continued to project a forceful image with his confrontational approach, a sharp contrast to forces beginning in September 1983. Arthit at times challenged the propriety of important government policies. In November, for example, he made a televised condemnation of the government's policy of devaluation. Also in 1984, apparently with Arthit's blessing, some active duty and retired army officers pressed for constitutional amendments aimed at enhancing their political influence through the Senate and the cabinet.44

A show down between Arthit's camp and Prem's ruling coalition seemed imminent. Arthit backed off, urging the army officers to abandon at least for the time, the drive for amendments. It appeared that the monarchy played a key role in defusing the tension. In this context, Thai political scientist Juree Vichit - Vadakan commented that the Monarchy was likely to be the single most important force capable of holding the country together during times of chaos and crisis and of assuring the viability of a democratic process in Thailand. With a clear commitment of the monarchy to a constitutional government, democracy Thai style ultimately may have a chance to take root.45

In 1985, Thailand survived another military challenge to its constitutional government in the form of an abortive coup, again led by Manoon, the Young Turks colonel who had engineered the unsuccessful coup in 1981. On September 9, a small band of army and air force officers with several hundred men and twenty - two tanks made a vain predawn bid for power. The coup collapsed after ten hours, but not before seven persons were killed and scores wounded. Manoon was allowed to go into exile as part of a deal to avert further bloodshed. Among those detained for complicity were Kriangsak, Prem's predecessor and leader of the National Democracy Party; the former army commander in chief and supreme commander of the armed forces, General Serm Na Nakorn; the former deputy
army commander in chief, General Yos Thephasdin Na Ayutthaya; the former
deputy supreme commander of the armed forces, Air Chief Marshal Krasai
Intharathat; and the still - serving deputy supreme commander of the armed forces
Air Chief Marshal Arun Promptrepid.46

The facts surrounding the affair were still unclear as of mid 1987, but
observers generally suggested two reasons for the failure of the coup. One was
factiousness in the military. The other was the perceived obsolescence of a coup, a
view shared by a widening circle of military officers, senior civil servants,
businessmen, financiers, industrialists, white-collar executives, intellectuals and
significantly by the king as well. According to this perception, popular demand for
participation and representation, whetted by the advent of industrialization in
Thailand, could be better accommodated by a parliamentary government than by
an authoritarian and narrowly based military regime. Despite the absence of a
successful coup since 1977, however, few informed Thai seemed to believe that
the country was on a steady course toward fuller democratic rule. Thai political
scientist Likhit Dhiravegin observed in December 1986,If one probes deeper, one
would get a feeling that despite the existence of the elected assembly and a
Cabinet consisting of civilians, the final say on who should be the prime minister
still rests mainly with the military.47

In partisan politics, the Democrat Party, the oldest and the best organized
party fared well. Of the seven seats at stake in five by elections held in 1985, the
Democrats won five, four of them in Bangkok where they also captured thirty-
eight seats in the election for the fifty-four-member city council. One of the
winning Democrats was General Harn Linanond, a former commander of the
Fourth Army Region who quit the army in 1984 in a dispute with General Arthit.
In 1985 Harn, who was deputy leader of the Democrat Party, and his party
colleagues opposed a one-year extension of service for Arthit, who was due for
retirement in September 1985. The army had reportedly ordered its personnel in
Bangkok to vote for former Lieutenant General Vitoon Yasawas, Harn's rival, running on the Social Action party ticket.  

Tensions between the army and the Democrat Party also surfaced in Thailand's first gubernatorial election for Bangkok in November 1985. This contest was won handily by former Major General Chamlong Srimuang, a devout Buddhist, former chief aide to Prem and former leader of the Class Seven military academy graduates. Chamlong contested as an independent but was strongly supported by Arthit, who publicly urged his subordinates and their families to vote against any party that had an antimilitary orientation. His urging was directed particularly against the Democrat Party. Arthit's support would have made little difference in the outcome of the contest because of Chamlong's immense personal appeal to nearly every segment of the Bangkok electorate.

The eventful year of 1986 augured well for the future of party politics. Prem's coalition overcame a minor cabinet crisis, reined in outspoken Arthit, held the third parliamentary election since 1979, and improved the climate for professionalization of the military. At the root of the cabinet crisis was endemic factional strife within the Social Action Party, the senior partner in Prem's four-party coalition. This problem necessitated a cabinet reorganization in January and worse still caused the coalition government an embarrassing parliamentary fight over a motion of no confidence against his government. Prem consulted King Bhumibol and dissolved the House of Representatives, with an election slated for July 27 - eleven months ahead of schedule. The political arena was explosive at that juncture, as a result of mounting tension between the two competing poles of power - Prem and Arthit. Relations between them had become steadily strained since Arthit's public assault on the government's fiscal and monetary policies in November 1984.

Another complicating factor was Arthit's decision to set up the army's "election - monitoring center" in connection with the forthcoming election, an action some Thai criticized as an unwarranted foray into politics. Still another
complication was active lobbying by Arthit's loyalists to have the army commander in chief's term extension another year to September 1987. If these loyalists had their way, the extension would have enabled them to influence political realignment to their advantage in 1987 after Prem's four - year mandate expired in April. A new election, to be held within sixty days from mid - April, would have been held while the army was still under Arthit's direction.

On March 24, 1986, the government announced that Arthit would be retired as scheduled on September 1. Then on May 27, the government stunned the nation by dismissing the army commander in chief and replacing him with General Chaovalit Yongchaiyut, a Prem loyalist. Prior to that, no army commander in chief had been dismissed before the expiry of his term. This unprecedented action came amid the flurry of rumours that Arthit was involved in behind the scenes maneuver to undermine Prem's chances for another premiership after the July election. Arthit, whose largely ceremonial post as supreme commander of the armed forces until September 1986 was not affected by the dismissal order, denied any role in such maneuvers.52

Chaovalit quickly set the tone of his army leadership by promising to keep the military out of politics by dissolving the army's election watchdog center, and by pledging military neutrality in the election. Later in August, the army announced that twenty - eight of the thirty - eight Young Turks officers cashiered in the wake of the abortive coup in 1981 had been reinstated to active service; Colonel Manoon officially remained a fugitive from prosecution. The reinstatement, though mostly to sensitive non command positions, was widely welcomed as an important step toward restoring unity in the army and improving the prospect for military professionalism. In the annual September reshuffle of senior military officials, Chaovalit strengthened his power base by appointing Class Five graduates of the military academy to key senior commands.53

The July 1986 election involved the participation of 3,810 candidates representing 16 parties. Candidates of the outgoing coalition parties campaigned,
generally avoiding any association with Prem. The contest literally was wide open; no single party was expected to win an electoral mandate outright in the newly enlarged 347 seats in House of Representatives. As in 1983, Prem declined to contest this election, citing the "need to maintain my neutrality and to let the election be held free from any factor that may sway the people." Nevertheless, because he might again be picked as the compromise choice of major parties to lead the post election government, the issue of an elected or non-elected prime minister became a focus of campaign debate. Regardless of partisanship, however, nearly all agreed that the austerity measures that had been initiated by the outgoing government should be scuttled as a major step toward accelerating economic recovery and boosting rural incomes. Evidently Bangkok's powerful banking and business families, who had suffered as a result of such measures since late 1984, effectively brought their influence to bear on many candidates. The army did not intervene, but Chaovadit warned that the military would not stand idly by if the post election government failed the people's trust.54

Predictably, no party emerged with a majority, although the Democrat Party captured the largest bloc of seat with 100, which was 44 more than it had in 1983. Most observers agreed that a coalition led by the Democrat Party would stand little chance of survival; the party was where no near a majority and moreover, was traditionally the most spoken out critic of military involvement in politics. Thus, despite the lack of any ground swell for a non-elected prime minister, Prem again emerged as the compromise leader most acceptable to the army, the palace, and the major political parties.55

The new coalition cabinet Prem unveiled in August consisted of four parties, with a combined strength of 232 seats distributed among the Democrat Party (100), the Chart Thai Party (63), the Social Action Party (51), and the Rassadorn (People) Party (18). These four were among the seven parties that initially agreed to support Prem; the remaining three not in the coalition were the Prachakorn Thai Party (24), the Ruam Thai (Thai Unity) Party (19), and the
Community Action (Kit Prachakhorn) Party (15). The three parties later formed an opposition bloc with several other minor parties. The United Democracy Party, which commanded thirty-eight seats, agreed to support the opposition bloc in voting against the government on an issue-by-issue basis.56

In September 1986, the fifty-four-year-old army commander in chief, Chaovolit, pledged his support for "the parliamentary government," adding that there would be "no more coups" as long as he was in-charge of the army. Earlier, he had expressed an intention to retire in 1988; if he did not, he could remain in his post until official retirement in 1992, or 1993 with a one year extension of service.57

On April 22, 1987, the Prem administration faced a no-confidence debate in parliament, the second since October 1986. Eighty four opposition members sponsored the no-confidence motin against the entire cabinet. However, amid allegations of bribery and rumours of a coup or a parliamentary dissolution, the censure bid failed. Fifteen of the sponsors, under heavy outside pressure, withdrew their names on the day the debate was scheduled to take place, leaving the motion one vote shy of the minimum seventy votes. Opposition leaders vowed to resubmit another no-confidence motion later.58

The success and failure of the military coup of 1991-1992:

After democratic elections in 1988, Gen. Prem declined invitations from the Parliament to serve another term and handed over power to Gen. Chatichai Choonhavan, leader of the Chart Thai Party.59 Although Gen. Chatichai was also once a military man, he had long since retired and did not represent any military faction. Chatichai was an elected member of Parliament and was therefore Thailand's first democratically elected prime minister in 12 years.

Chatichai presided with flair and personal charm over a fast-growing economy. He was unable, however, to dispel public suspicions that corruption was on the rise. He also failed to convince the leading military faction that he would
work with them. His young and idealistic advisors appeared to be moving against the military, then led by Gen. Suchinda Krapayoon. The Chatichai government revived the careers of military faction leaders seen as rivals to the powerful Suchinda faction. On February 23, 1991 Suchinda and his allies in the Air Force arrested Prime Minister Chatichai as he boarded a plane in Bangkok.\(^{50}\)

The military justified the coup by referring to allegations of corruption against the Chatichai government. Suchinda denied that the military had acted to preserve its own power. He promised publicly that he would never accept the post of Prime Minister unless he was elected even though the constitution might allow an un-elected Prime Minister. Suchinda also promised to maintain the country's fast economic growth, to restore foreign respect for Thailand and to restore democracy.

Anand Panyarachun, a well respected former diplomat and businessman, was appointed to run the government. Anand agreed on the condition that he be given the freedom to appoint his own cabinet and run the government independently. The Anand cabinet, made up of talented and respected technocrats, is still seen as the most capable government the nation has ever had. Although it faced many difficulties, the Anand government enjoyed unusual freedom from the normal political struggles of most civilian governments. Anand used that freedom to push through significant reform and to prepare the way for free and fair elections in March 1992.\(^{51}\)

Unlike most previous military factions which typically represented one class of officers who graduated together form the Royal Military Academy, the Suchinda faction had key figures in various age groups and graduating classes.

Several civilian political parties allied themselves with the Suchinda faction. A new party, called Samakkhi Tham Party, was formed and appeared to have close links with the Suchinda faction. The Samakkhi Tham Party and allies won a majority in the March 22, 1992 elections, but did not have strong public support. Their majority was uncomfortably slim. Ironically, many leaders of the
parties allied with Samakkhi Tham were those whose alleged corruption had been used by the military to justify their coup.\textsuperscript{62}

The initial candidate of the allied parties for Prime Minister failed to win public acceptance. After a public cry out this candidate was withdrawn and Suchinda himself was put forward on the understanding that the pro-military parties had sufficient votes never to elect him. The justification for the coup now seemed hollow and Suchinda's pledge never to take premier ship without being elected came back to haunt him. Hence he took over the power undemocratically. As a result, opposition politicians, pro-democracy groups, intellectuals, middle-class business people and students were angered by the developments and encouraged by the apparent weakness and division within Suchinda's alliance.\textsuperscript{63}

Public demonstrations against Suchinda grew quickly. Crowds estimated at more than 50,000 people gathered in central Bangkok in mid May. Hunger strikes began and criticism form the press mounted. Opposition broadened and reached into the military. Retired Maj. Gen. Chamilon Srimuang, a popular former governor of Bangkok, led the crowds while urging restraint and non-violence. Former Army Commander, Gen. Chavalit Yongchaiyudh, leader of the New Aspiration Party, supported the protests which were growing daily.\textsuperscript{64}

Efforts to suppress the demonstrations with force only sparked greater criticism, unfavourable foreign news coverage, and counter violence. The government arrested key leaders of the protests, but the demonstrations spread to other areas of Bangkok and major provinces around the country. With Bangkok in chaos and escalating violence, King Bhumibol Adulyadej summoned Suchinda and Chamlong to the Palace and asked them to put an end of their struggle. Suchinda and Chamlong appeared on television and called for an immediate end to the protests. Consequently Suchinda resigned as prime minister soon thereafter.\textsuperscript{65}

Once more Anand Panyarchun was called on to head a caretaker government and prepare a scheduled for new elections. Again he assembled a
highly respected cabinet and pushed for government reform even as he arranged for the elections.66

Elections were held in September 1992, in which anti-military parties won the majority. Those parties, led by ex-Prime Minister Chuan Leekpai of the Democratic Party, led to a more stable political climate. Since then two elections have been held without major problems. Military leaders said repeatedly that they will refrain from political involvement. The strengthening of the parliamentary system, the increasing size and sophistication of the educated middle class and the complexity of managing the economy have increased popular resistance to the idea of military rule. Those officers interested in entering politics have the right to resign and contest election. Such retired officers sometimes set up their own political parties and many have become successful. The democratic system, although still in need of further reform, is now well established.

The democratic process was reinforced by two more orderly changes in government. The Chuan government dissolved Parliament in May 1995 to hold elections. The peaceful elections resulted in a coalition government headed by Prime Minister Banharn Silpa-archa, leader of the Chart Thai Party. Concerns about the Banharn government's management of the economy in the midst of Thailand's worst economic downturn led to elections in November 1996.67

The November 1996 election resulted in coalition government headed by Prime Minister Chavalit Yongchaiyudh whose New Aspiration Party secured the largest number of seats. However, Chavalit's government suffered a similar fate to Banharn's and Chavalit was forced to shuffle his cabinet several times to appease his critics. Popular dissatisfaction grew as Thailand's economic downturn worsened, especially after the Baht was devalued on 2nd July. Under pressure from his coalition partners, Chavalit resigned on 6th November, and a new coalition cabinet was formed led by the former Prime Minister Chuan Leekpai and the Democratic Party.68
Thai politics after 1996 to present:

In November, 1996, an inside 'coup' of sorts occurred in the Barnnarn government. Chavalit Youngchayud, who was the Defence Minister, forced Barnnarn, through a political power play, to dissolve the government and step down as a Prime Minister. A new election was called, billions of baht were spent by political parties on buying votes, and Chavalit came back as the new Prime Minister. He made lots of promises and the people, though skeptical, wanted to believe that this former Army General was really going to make life better in his vision of a 'New and Improved Democracy'. It didn't take long to see that these words were as hollow as the words that Thai people had been listening to from the other politicians for so long. The first order of business in the new government was dividing up the ministries to the many factions within his coalition government.69

People started to demonstrate against the government, telling Chavalit to resign. Chavalit responded by making some cosmetic changes in the cabinet, but leaving in the most corrupt and hated of the politicians. Chavalit made promises every day, but the next day they were forgotten, to be replaced by new promises. The politicians continued to stuff their pockets and threaten to bring down the government if they were removed from their posts. Chavalit was unwilling to resign and wanted to stay in power as long as possible and was willing to say or do anything it takes.70

Chavalit's unwillingness and inability to do what the people want or what is necessary to improve the health of the country has caused the country to slide deeper and deeper into depression.

Chavalit said he would only resign if he could pick the new PM, but through the wrangling that all this involved, enough of the current coalition jumped-ship to Chuan side, making him the person to decide the new PM. He chose himself, of course. As each government comes into office, they start by sending officials known to support the old government, into positions referred to
as, 'inactive posts'. These posts are positions with no responsibility and no power to hurt the government in power.71 Thailand had an election in the year 2000. In the run-up to the election, there was the usual posturing going on between the politicians and their political parties.

_Khun Thaksin Shinawat_, Thailand's telecom mogul, formed his own political party called _Thai Rak Thai_ (Thai Love Thai). He said his party would be different from all the other political parties in Thailand. He would play politics fairly and all the members of his party would be qualified and respected people. Many of the old right-wing politicians have joined his party.72

With his enormous wealth, he picked people from other political parties. The other parties have all cried foul, but this switching of parties is quite common in the run-up to any election. His goal was to have enough MPs to guarantee his party a place in the next government. Traditionally, the Prime Minister comes from the government party with the most members. In his first election foray, for the governor of Bangkok, his party came second in overall election results. Though this was not considered a good showing, he still beat the Democratic candidate by several hundred thousand votes. His party was also accused of massive vote-buying prior to the election for governor.73

Thailand recently had its first democratically elected Senate elections. The Senators were supposed to be completely free of any political alliance in order to remain independent, but of course, these very powerful positions were totally entrenched in the political system. There were some attempts by the Election Commission to do fair elections, but this was not completely successful. In many areas, elections were repeated due to allegations of criminal vote-buying and other types of influence but in the end, almost all the accused were elected to the Senate.74

It reveals that corrupt people have been occupying higher post in Thai politics. It is evident from the fact that out of more than 27,000 cases investigated by the National Counter Corruption Commission involving more than 40,000
people, evidence of guilt was found in 1,600 cases involving about 4,000 people. In the end, only 39 people involved in 15 cases were placed on administrative level.\textsuperscript{75}

**The present constitution:**

Besides the political developments that took place through the military coups from time to time, it is also interesting to comprehend the politics of constitution making in Thailand. The constitution of Thailand has been scrapped so often by the military that has failed to create any sense of political stability in the country. The present constitution is the seventeenth constitution. However this time, the work of making the constitution has been properly planned by General Chatchai Chuhawan, former Prime Minister of Thailand. This is precisely the reason why the present constitution stands for the longer period. The Constituent Assembly, consisting ninety-nine members elected by National Assembly was established in 1996. The Constituent Assembly was assigned a duty to prepare a draft of a new constitution.\textsuperscript{76}

A new constitutional convention was expected to involve the people of all walks of life as to have a democratic constitution. Criticisms were allowed and they were to vote in a referendum. The draft work of new constitution was started under the leadership of a former Prime Minister Anun Punyarakchun with a 99 member committee which was approved by the people through adult franchise held in each province all over the country, in 1996. The draft was ready by May 2, 1997, and it called for a radical restructuring of Thai government, decentralization of power, establishment of an *Anti corruption commission* and, setting of independent election commission.\textsuperscript{77}

Thus a new constitution had promulgated on 11 October 1997. Characteristically, the new constitution was an effort evolve and maintaining democratic regime of government in order to bring about happiness and prosperity
and dignity of Majesty’s subjects. It is in the sense that Thai people have been considered as main center of all powers in the name of the king.\textsuperscript{78}

The chapter I of the new constitution declared that Thailand is one and indivisible kingdom having democratic government with the king as head of the state and sovereign power belongs to the people of Thailand. The constitution is considered to be the supreme law of the land. The chapter II of the constitution provides extensive powers to the king. The king shall be enthroned in a position of revered worship and shall not be violated. The king is Buddhist and upholder of religion. The king being the head of the state is also head of the Armed Forces and empowered to appoint the qualified persons to be the president of Privy council and not more them eighteen privy councilors to constitute Privy council. The selection appointment and removal of privy councilors shall depend entirely upon the king’s discretion. The powers of appointment and removal of officials of the Royal Household and the Royal Aide-de camp depend on the King.\textsuperscript{79}

Another important characteristic of the constitution is that it provides large number of rights to the Thai people. While exercising state authority, attention is to be given to maintenance of human dignity, rights and liberties as per the provisions laid down in the constitution. It is remarkable to mention that the rights and liberties recognized by the constitution are obligatory on Constitutional court, National Assembly, the Council of ministers, Courts and other state organs in term of enacting, applying and interpreting. The rights such as: all are equal before the law, right to liberty, family rights and dignity have been guaranteed by the constitution.\textsuperscript{80}

The National Assembly symbolizes the aspiration of Thai people at large as per the provisions of chapter VI of the constitution of Thailand. The legislature consist of the House of Representative and the senate. The House of Representative consist of five hundred members, one hundred of whom are from the election on a party list basis and four hundred are to be from the election on a constituency basis. The president of House of Representative is the president of
National Assembly. A person can be the member of House of Representative provided that he should be the Thai national by birth, should not less than twenty five years of age on the election day. Having graduated with not lower than a bachelor’s degree or its equivalent, should be a member of any and only one political party, for a consecutive period of not less than ninety days and other conditions. The term of House of Representative is four years from the election day.\textsuperscript{81}

The senate consisted of two hundred members to be elected by the people. The vice – president of the National Assembly shall be the president of senate. The person having the following qualifications, has the right to be a candidate in an election of senators: being the Thai national by birth, being of not less than forty years of age on the election day, having graduated with not lower than a Bachelor’s degree or its equivalent.\textsuperscript{82}

The members of the House of Representative and senators are representatives of Thai people and are expected to perform the duties in the interests of Thai people. At a sitting of the House of Representative or the senate, the presence of not less than one-half of the total number of existing members of each house is required to constitute quorum. The National Assembly meets within thirty days from the date of election of the members of the House of Representatives. In each year, there shall be a general ordinary session and a legislative ordinary session. During the legislative ordinary session, the National Assembly summons sitting only for considering the bills or organic bills, the approval of an emergency decree, the approval of the declaration of war, the approval of treaty, the election or a approval of a person holding office, the removal of the person from office, interpretation of and the amendment of the constitution, unless the National Assembly has passed the resolution by votes of more than half of the total number of existing members of both the houses, for considering other matters.\textsuperscript{83}
The members of the House of Representative may introduce the bill or an organic law bill only if the bill is approved by his party to which the member belong. The organic law bill is money bill which relates with matters such as the imposition, repeal, reduction, alteration, revision or regulation of taxes or duties, the allocation, receipt, payment of funds, currency etc. \(^{84}\)

Another important organ of the Thai government is judiciary. The history of judiciary and the administration of justice in Thailand can be traced back into the Sukhothai period (1257 – 1378). According to a stone inscription recorded in the reign of king Ramkhamhaeng the Great it showed the notion that the king was the “fountain of justice” who, sometimes adjudicated the case himself. \(^{85}\)

The modern judiciary and legal system in the formality as some western countries was laid down in the reign of King Chulalongkorn the Great, the fifth monarch of the Royal House of Chakri (1868 –1910). The ministry of justice was also established in 1892. \(^{86}\)

Presently, the courts of justice are divided into three categories, i.e. (1) the Courts of first Instance, (2) the Courts of Appeal, and (3) the Supreme Court. There are about 140 courts of first instance throughout the kingdom. In Bangkok metropolis, they are, for example, the Civil Court, the Criminal Court, the Juvenile and Family Court, the Central Labour Court and the Central Tax Court, including Kwaeng Courts which have jurisdiction, over minor civil cases and criminal cases with maximum punishment of imprisonment not exceeding 3 years or fine not exceeding Bhat 60,000 or both. In the provinces, there are the provincial courts and in some large provinces the provincial courts, the provincial juvenile and family courts and Kwaeng courts are included. \(^{87}\)

The courts of appeal consist of one Bangkok based courts of appeal and three Regional Courts of Appeal. There is one Supreme Court with jurisdiction to review and adjudicate all cases, and the court’s judgement are final. However, in criminal cases the accused may file petition. \(^{88}\) There are also military courts which deal with military personnel in criminal cases. To ensure their impartiality and
independence, Thai courts adjudicate cases according to the laws in the name of His majesty the king who is above politics in all aspects. The judges themselves are also protected from any political interference. Essentially, no new court shall be established with the purpose of trying any particular case. In the course of today’s business, however, the tendency to rely on the arbitration system seems to be on the rise. Due to its convenience, informality and saving of time, the Thai justice administration recognized this trend by adopting the Arbitration Act of 1987.

Ecclesiastical Judiciary:

According to Buddhist Sangha Act 1941 article 51, stated that a rule concerning appointment of Khana Vinayadhara and the process of jurisdiction shall be promulgated in the form of a Sangha Nati or Law.

In the year 1942, Sangha Sabha had passed Sangha Nati, known as Sangha Nati on Rule concerning Khana Vinayadhara, by which it provides authority for the Supreme patriarch to appoint the Khana Vinayadhara, whom shall be under his supervision.

There are three levels of Khana Vinaydhar:

1. Primary jurisdiction (khana vinaydhar chanton) having an authority over the Changwat level.
2. Judicial Committee of Appeal (khana vinayadhare chan v-dhare)
3. Judicial Committee of Supreme Jurisdiction (khana vinayadhara chan dika)

Each of these levels have one chairman and three other judicial committees. The chairman of the Supreme Jurisdiction is also the President of Khana Vinayadhara and runs the administration of all the judicial affairs of the Sangha. The primary level have authority to exercise the jurisdiction over a certain area as stated in the Sangha Nati or within the changwad boundary.
The Appellate level has the authority to examine the decision judgement of the primary jurisdiction upon appellation submitted to, and having the wide range throughout the empire. The supreme level has the authority to examine the decision of the appellate level, and pronounce verdicts upon the judgement of the appellate jurisdiction which is final.

The roles of the president of the judicial committee of the Sangha is to:
1. Regulate the administration of the judicial system.
2. give advice to judicial committee of all levels.
3. supervise the administration of the judicial committee and empowered to; a) suspend the duty of the committee and report the incidence of the offence and others to the supreme patriarch. b) conduct the administration of the office.

The Buddhist Sangha Act 1941 provided the duty and power to Khana Vinayadhara for trial and decision of Adhikara (disputes or cases). And by the virtue of the Act, Somdeeih Phra Sangharaja the supreme patriarch proclaims the Ecclesiastical Decree concerning the appointment of the Dharmadhara 1945.92

The contents of the Act are that there must be one head of Phra Dharmadhara exercising the judicial affairs concerning the prosecution of all Changwad and perhaps if necessary he may have an assistant. There is one Phra Dharmadhara Changwad in every Changwad. All of them are the officials of the Administration of Ongkara.93

The appointment of head Changwad prosecutor and assistant is made through the minister of Administration Ongkara, by recommending the qualified Thera (three names) to the council of ministers (sangha) to make a choice and bring the decision to the Supreme patriarch for appointment. The method of handing judicial decision are the same as in the administration of the civilian jurisdiction.

The constitution of 1997 attempted to reform earlier system of judiciary and provided with new system of courts in order to make the judiciary more
modern. The chapter VIII explains in detail about the judiciary in which the trial and adjudication of cases are the powers of the courts, which it must possess in accordance with the constitution and the law and in the name of the King. As per the new provisions in Thailand, no arrest and detention of a person may be made without the order or a warrant of the court is obtained and court procedure is adopted.94

In recent years, there is an organization called the constitutional court which consists of the president and fourteen judges of the constitutional court appointed by the king on advice of the Senate from the following persons: five judges of the supreme court, two judges of supreme administrative court, five qualified persons in law, three qualified persons in political science. The constitutional court deals with the cases of any bill or organic law bill and other constitutional matters even which is approved by the National Assembly. The Party Bill is adopted by the National Assembly but if Prime Minister feels it is inconsistent with the constitution, such cases are dealt in the constitutional court and it has right to decide the cases. The decisions of the constitutional court are binding upon the National Assembly, Council of ministers, Courts and other state organs.

In the judiciary system of Thailand, there are three level courts of Justice namely the Courts of First Instance, Court of Appeal, and the Supreme Court of justice. The court of Justice have the powers to try and adjudicate all the cases except these specified by the constitution or the law to be within the jurisdiction of other courts.95

According to the constitution, another organisation called 'Administrative Court' consists of supreme Administrative court and Administrative courts of First Instance, and Appellate Administrative court. Administrative courts have the powers to try and adjudicate cases of dispute between a state Agency, State Enterprise and Local Government Organization. Yet another court organization is called 'Military Courts'. The law has provided a specific procedure for the
appointment of the judges of the Military court. The military courts have the power to try and adjudicate Military criminal cases and other cases as provided by law.

According to the constitution of Thailand, the Executive branch of the government includes the King, the Prime Minister and his council of ministers. The King appoints the Prime Minister and the Prime Minister appoint not more than thirty-five other ministers for making his government in order to carry out the responsibilities of the state affairs. The Prime Minister must be appointed from among the members of the House of Representatives. No Prime Minister or ministers shall be members of the House of Representative or senators simultaneously. The concerned has to vacate the seat of membership of the legislature within thirty days from the date of his appointment as either the Prime minister or minister. The minister must require following qualifications as he being of Thai nationality, being not less than thirty five years of age, having graduated with not lower than Bachelor's degree or its equivalent. The council of ministers shall carry out the administration of the state affairs in accordance with the constitution and it shall be individually and collectively responsible for such acts to the national assembly. The council of ministers initiate the issue for referendum which is likely to affect the national and public interests so as to consult the people on such issue, while formulating the policy and taking the decision.96

Like any other government, Thai government has a responsibility of managing the public affairs. In view of this, the present administration of Thailand has been evolved from the major reformation of the administration during the reign of king Rama V. He had laid down the foundation of both central and provincial administrations which are based on centralization concept. Though Thailand has adopted many constitutions from time to time, but the same administrative pattern continues till recent years.
After the promulgation of the constitution of the kingdom of Siam in B.E. 1932, the Public Administration Act of 1933 was promulgated which laid down the new administrative structure. After being used for 20 years, the former Public Administration Act of 1933 was abandoned. The Act of 1952 was promulgated but General Thanom Kittikajorn abandoned the Public Administration Act of 1952. He promulgated the Revolutionary Order No. 218 to be used instead. However, the public administration under this revolutionary order had faced several difficulties. After using the Revolutionary Order No. 218 for almost 20 years the Anan Panyarachun’s Administration came into power in 1991. The government promulgated the Public Administration Act of 1991. According to the Public Administration Act of 1991, Thai public administration is structured into three basic levels. 

A. Central Administration:

The Central Administration falls under the basic concept of centralization. It consists of office of the Prime minister, ministers and departments.

(i) Office of the Prime Minister

This office has its status equivalent to a ministry. Its authorities and responsibilities involve general works of the Prime Minister and the cabinet as well as the budget process and the national policy formulation. It has the role as the National Coordinating Center and the Government Advisory Body. The Prime Minister is the head of the office and Deputy Prime Ministers and ministers to the Prime Minister’s office are his deputies.

(ii) Ministries

A ministry is the biggest government organization which includes similar tasks together. Each ministry is politically headed by a minister with one or more deputy ministers, all of whom will sit in the cabinet. According to the ministry and Department Reformation Act of 1991, each ministry is divided into several offices and departments which are office of the minister’s secretary, office of the
permanent and departments. For its regular administration, there is one permanent secretary with several of his or her deputies who will be responsible for directing and controlling the implementation of works within the ministry. He or she will also supervise all government officials of the ministry.  

**Figure 4.2**  
**The Organizational Structure of Ministry**

(iii) **Departments**  
A department is an agency which can be under a ministry supervision or it may be independent. It has its own unity in administration and acquires a judicial status. According to the Public Administration Act of 1991, a departmental structure can be divided into an office of the departmental Secretary and Divisions or other offices which have a division status.
B) Provincial Administration:

This form of Administration comes under the concept of de-concentration which means that the central government will divide and give some of its power and authority in decision-making to its representatives from various departments and ministers who work at the provincial level. These representatives performed their duties according to the laws, regulations and orders determined by the central government. At this level of administration, there are provinces, districts, minor districts, sub-districts and villages.

(i) Province:

A province or Changwat is the highest organization of the provincial administration with a juristic entity. Each province is composed of districts. The number of districts in a province varied according to the geographical configuration and population. The foundation and dissolution of any province or change site or size can be done only by the Royal Act. At present, there 76 provinces throughout the kingdom.\(^{100}\)

Each province is composed of various government agencies which represent their own ministers and departments from the central government. According to Article 54, there is one governor in each province who pursue the duties according to the policies and orders of the prime minister as a head of the government and of the cabinet, the ministries and departments. Beside the governor and vice governor, there is a deputy governor in each province who assist the governor in performing the duties. There are several other agencies heads stationed in the province which represent their head quarter in Bangkok such as a provincial excise office, provincial cooperative office and provincial forestry office etc.\(^{101}\)
(ii) Districts:

Districts is the second tier of the provincial administration structure. It is headed by the district chief officer (Nai Amphur). The main function of any district include rural development, vocational promotion, public health development, locally organized irrigation projects and provision of an assistance for all natural disasters. The districts also enforces all laws and regulations relating to public security, maintains peace and order within its jurisdiction. The district chief officer perform the duties according to the Local Administration Act of 2457 in maintaining people’s security and local peace and orders. He or she, also promote education and vocations of the local people.102

C) Local Administration

Local Administration in Thailand is based upon the concept of ‘decentralization’ which allow the local people to participate in the local government process under concerned laws and regulations. The Public Administration Act of 1991 has indicated in Article 69 that any local community where the people can participate in their local government shall organize its local government administration system. Local activities in which people can take part or participate are those activities which fulfill only their needs in specific. Since it fulfills local activities which aim at local benefits and increasing local people’s participation, the form of administration and organization of government differ from those of the central and provincial administration. In a broad sense, the form of Local Government Administration is similar to the form of government at the national level. There are both executive and legislative bodies. The legislative body shows the form of self-government by which the local people can elect their own representatives in order to do the policy making for local affairs. The executive body is the one who perform policies made by the legislative body.103

The organization structures of local government administration differed according to the conditions in each area of community Article 70 of the Public
Administration Act of 1991, was written that the local government unit would be organized as follows: 1) Provincial Administration Organization (PAO), 2) Municipality, 3) Sanitary District and 4) Other local government units specified by laws. At present there are three more forms of local government units – Tambon Administration Organization (TAO), Bangkok Metropolitan Administratin (BMA) and the Pattaya City.\textsuperscript{104}

**The origin of one-party system:**

The revolution which the people’s party successfully staged against the centuries old absolute monarchy did not introduce democracy into Thailand as claimed by the revolutionaries.\textsuperscript{105} According to the 1932 constitution, the Assembly of the People’s Representatives which replaced the throne as the supreme political institution, was composed of two categories of members, one appointed and the other elected, both of which were equal in number and power. The appointed members acted as the political tutor for the elected members. Since members of the People’s Party were appointed members of the Assembly and not the people’s representatives, they replaced the king and the royal elite as the ruling authority empowered to control the administration of the country. People’s Party had not prevented other political parties from emerging on the political scene. The leadership of the people’s party based other potential political leaders from organizing political parties on the ground that the time was not suitable for the formation of political parties. Throughout the tutelage period, no political parties appeared on the political scene in Thailand. In the three general election during the tutelage period, there was no political competition among rival parties with different ideologies, but it rather resembled personality contests among individual candidates. The People’s Party obviously failed to generate public support for its policy and strengthen its popular base.\textsuperscript{106}

It is very much clear now that democracy was imposed on Thai people for which they themselves were not very much eager. It was surely a work of a small
faction of politically ambitious military and bureaucratic elite who had engineered
the revolt for the overthrow of the monarch and seized power. However the
masses were not mentally and morally prepared for this eventualities. They (the
elites) apprehended popular revolt to pacify the mass feelings bringing out a
bulletin explaining reasons for the revolt and promising democratic government
soon after the stabilization of the conditions.

Leaders of military – bureaucratic elite always dream to hold the power.
They never wish to give away power to the people. Whenever the popular leaders
tried to assert their hold power the experiment was abruptly ceased, and the
military leaders seized the power through coups.

Till 1932, the monarchy self it remained all powerful and absolute.
Political Parties in Thailand came into being under the constitution of Thailand in
1946, (before this no political parties were under the constitution of Thailand) and
the Progressive Party set up by M.R. Kukrit Pramoj was the first party. Since there
was no law on political parties at that time, the Progressive Party was not formally
registered.¹⁰⁷

On September 26, 1955, during the Government of Field Marshall
P.Piboonsonggram, the first Political Party Act in modern Thai history was
promulgated. This led to the establishment and registration of many political
parties, and up to 30 parties were set up between 1955 and 1958.¹⁰⁸ Since then,
many political parties have been established. Till second world war, no
political parties were allowed in Thailand. They were recognised only after world
war II. After there quite a few political parties came into existence and their
formal existence lasted till 1958. In 1958 field marshal Sarit outlawed all political
parties.

The first political party in Thailand was the Khana Ratsadorn (People’s
Party). The party was founded by groups “composed of members from three
bureaucratic groups : 23 of them in the Army, 14 in the Navy and 24 in the
Civilian Bureaucracy”.¹⁰⁹ With the strong pledge the first party was successful in
making itself the ruling party. Though at the beginning, there has been some difficulty, but King Rama VII himself welcome the change and urged all strong and powerful members of the royal family to accept the new ruling body.

The second political party in Thailand was the Democratic Party (Phak Prajadhipatya in Thai). This party was established on 5th April 1946 and is now the oldest party of the country. This party served as the largest opposition party for almost two decades.110

The next party to come up was Chart Thai (Thai Nation) party in 1974 by three family member of the Rajakruclan – former Prime Minister Chatichai Choonhavan, former Deputy Prime Minister Pramam Adireksarn, and the late General Sri Sriyothon. This party is the most stable party in Thailand.111

At present, the ruling party in Thailand is Thai Rak Thai (Thai love Thai) party. This party was established in 1999. The present Prime Minister Taksin Chinawat belong to this party. Most of the parties work under this party at present. These parties are the important parties in Thailand, though more than a hundred political parties have emerged on the political scene and disappeared.112

During the period of 68 years of Thai polity, many political parties had been founded, some were born just a few months before general elections and died soon after the election, simply because none of their members, not even their leaders were elected by the people.

Today Thailand has a long way to go before broad based, policy-oriented and well-managed political parties are established on permanent basis. At present, Thailand has multi-party system with each party playing its role in political mobilization through its activities based on their politics.

Elections in Thailand:

Under the present constitution promulgated in 1997 the elections are held under the supervision and order of the Election Commission. The constitution provides for territorial constituencies–single member–constituencies. For this
purpose, the entire territory of the country is divided into constituencies having equal number of population.

For the party list 100 members, the entire country is designated as the one and only constituency and with fairest number of candidates representing each reign. In every party list, a person having the right to vote at an election also have the right to cast votes for candidates of only one party list. The elections are conducted by direct suffrage and secret ballot.

And Elected members sits in the National Assembly for 4 years, unless it is dissolved before that time. The members of the National Assembly belong to different parties. The party which is in majority have the right to form the government and that is conceded by the king. Other parties sit in opposition. The way by which the majority party forms the government is simple. The party who have majority in the national assembly elects its leader, then this leader is nominated as Prime Minister by the king. Then the Prime Minister selects his assistants from his party to form the cabinet which is later sworn in by the king.

Once the Election Commission do the notification for the election, the members of the various parties desirous of contesting elections file their nomination forms. On the decided day voting takes place throughout the country simultaneously. Arrangements are made throughout the country for voting. The necessary security is also provided to the counting places and the counting authorities. Generally, the Election Commission controls and arranges elections at all levels and organizes referendums. If in any constituencies fraud is found, the Election Commission arranges for the fresh elections andreferendums. Announcement of election results and referendum results are done by the Election Commission. The election is by simple majority, ever who in the fray gets numerically more votes than either of his rivals is declared to have elected.
Constitutions and Buddhism:

A search of the Thai constitutions for provisions on Buddhism uncovers only the following: *the king shall profess the Buddhist faith and is the Supreme defender of religion.*

Since 1932, Thailand has had six constitutions (*ratthathammanoon*), those of 1932, 1946, 1947, 1949, 1952, and 1968, as well as three interim constitutions (*shammanunkanpokkhrang*), promulgated in 1932, 1959, and 1972. Though absent in the interim constitutions, the cited clause on Buddhism does appear in all six constitutions, either in exactly the form cited (1932, 1946 and 1952), or without the word *tong*, *shall* (1947, 1949 and 1968) stating merely *the king professes the Buddhist faith*. Since Thai legal scholars make no reference to this difference in their constitutional commentaries, however, they apparently regard these classes as virtually identical.

Thai commentators say that the king should profess the Buddhist faith because Thailand is a Buddhist state and the majority of Thais are Buddhists and because Buddhism has from antiquity been the religion of the (Thai) nation, the king, as head of state of Thailand, should be a Buddhist. The Thais believe themselves to be born Buddhists, that the words Thai and Buddhist are synonymous, consequently, it would be considered a violation of ancient custom for the king, the head of the Thai nation, not to be a Buddhist, his profession of Buddhism is prescribed by tradition.

The Thai king is a Buddhist like the vast majority of his subjects, and that as the supreme defender of Buddhism, he constantly strives for its prosperity and is fundamental to traditional Thai values. And the constitutional provision cited earlier is no more than the legal expression of these traditional views of the kingship and Buddhism.

As 95 percent of Thais are Buddhist, while the non-Buddhists are either the Muslims of the South, localized in the provinces and have little direct influence on the central political process or like the culturally inferior hill tribes of limited
numbers. That the Thai constitution lack provisions expressly making Buddhism the state religion is probably because no such need has ever been felt. Buddhism is already so inherent in Thai nationality that it probably never occurs to the average Thai that he could be anything but Buddhist. Thai Buddhism represents the true form of state religion, the essence of which should be elucidated by analysis of Thai Buddhism\textsuperscript{117}. The Thai constitution is a clear manifestation of Buddhist teaching particularly in section 25 which states:

"Every individual shall enjoy full liberty to profess any religion, religious denomination or religious tenet, and to exercise any form of worship in accordance with his belief, provided that it is not contrary to his civic duties or to public order....."\textsuperscript{118}

In the above spirit and in accordance with section 7 of the constitution which states that the king is upholder of all religions, the royal Thai Governments have made it their duty to support constantly all religions professed by the Thai people.

The politics in Thailand passed through various stages. Many parties came and ruled Thai people. But it is very clear that religion did played important role in politics in Thailand. Earlier only king was one ruler who ruled the entire country but after 1932 revolution, changes took place in Thai politics but still today king is above of all. The days of the absolute monarchs on whose favour the Buddhist Sangha relied and on whose support the monarchs, in turn, depended for some semblance of national unity and coherence are long past. Yet, the ideas and the cultural ideals of Buddhism live on, in many cases with an enhanced value as the means by which developing Asian nations might weather the storms of change and crisis. Some leaders have been extraordinarily sensitive to the role that Buddhism can play as the basis of a national ideology to create the spirit necessary for progress and development. The Sangha as well, is beginning to move in the direction of more involvement in the socio-political realm and to look forward to an education that will prepare Bhikkhus with practical as well as religious skills.
Today Buddhism is taking an active part in the process of nation-building and it is as an institution making the necessary adaptations to participate critically and creatively in the ongoing processes of change. Today if Thai leaders are not aware about Buddhism, the Thai people don’t accept such leaders.
Notes and References

1. Pho Khun means the paternal theory of government, paternalistic government. During the Sukhothai period (1238-1350) the relationship between the king and this people was paternalistic in nature. The relationship of the king to his subjects descended from the benevolent father – son paternalism of the Sukhothai kings to a malign conception of a master-slave connection.

2. Praya (Feudal Lord) the relationship between the (Khmer) king and his subject was that of master and servant, and it largely influenced the old Thai relationship of father and son.


4. Ibid, P. 22
5. Ibid, P. 8
6. Ibid, P. 10
7. Ibid, P. 11


9. Ibid, P. 40


12. Ibid, P. 88


17. Ibid, P. 35


19. Ibid, P. 180

20. Ibid, P. 182

21. Ibid, P. 184
23. *Ibid*, P. 38
27. *Ibid*, P. 12
32. *Ibid*, P. 170
33. *Ibid*, P. 171
35. *Ibid*, P. 111
36. *Ibid*, P. 112
38. *Ibid*, P. 176
40. *Ibid*, P. 178
42. *Ibid*, p. 52-53 (in Thai)
44. *Ibid*, p. 163-165
46. *Ibid*, P. 263
47. *Ibid*, P. 264
48. Ibid, P. 265
50. Ibid, P. 53
51. Ibid, P. 54
52. David A Wilson, Op.cit, P. 174
53. Ibid, P. 175
55. Ibid, P. 54
56. Ibid, P. 54
57. Ibid, P. 56
58. Ibid, P. 59
59. Ibid, P. 60
61. Ibid, P. 143
62. Ibid, P. 144
64. Ibid, P. 78
65. Ibid, P. 79
66. Ibid, P. 88
68. Ibid, P. 148
69. Ibid, P. 150
70. Ibid, P. 166
73. Ibid, P. 162
74. Ibid, P. 170
75. Ibid, P. 177
77. Ibid, P. 57
78. Ibid, P. 58
79. Ibid, P. 59
80. Ibid, P. 60
82. Ibid, P. 20
83. Ibid, P. 21
84. Ibid, P. 25
85. Ibid, P. 26
86. Ibid, P. 27
88. Ibid, P. 126
89. Ibid, P. 127
90. Ibid, P. 128
91. Ibid, P. 130
93. Ibid, P. 105
94. Ibid, P. 105
95. Ibid, P. 106
96. Ibid, P. 106
97. Ibid, P. 107
98. Ibid, P. 44
99. Ibid, P. 45
101.Ibid, P. 132
102.Yen Lavangkuru D.D.M, P. 51
103.Ibid, P. 51
104.Ibid, P. 51-52
106. Ibid, P. 6

108. Ibid, p. 123-125

109. Chai – Anan Samudavanija, The Thai young Turks (Singapore: Institute of South East Asian Studies), 1981, P. 16

110. Ibid, P. 17

111. Ibid, P. 17

112. Ibid, P. 18

113. Ibid, P. 18


115. Ibid, P. 38

116. Ibid, P. 39

117. Ibid, P. 40

118. Ibid, P. 40