

# สารนิพนธ์

## THESIS . ABSTRACTS

บทความต่อไปนี้ เป็นบทย่อของวิทยานิพนธ์ ซึ่งนักศึกษาระดับปริญญาโท  
เขียนขึ้น เป็นส่วนหนึ่งของหลักสูตรรัฐประศาสนศาสตรมหาบัณฑิต

### OCCUPATIONAL RESTRICTION AFFECTING ALIEN IN THAILAND SINCE WORLD WAR I

*SANEE ATIBAED*

At present it is evident that certain phases of economic life of Thailand are threatened by alien residents in the Kingdom. These aliens not only dominate both the domestic and foreign trade of the country but have also been taking away many of the occupations from Thai nationals, the majority of whom do not know how to over-come this problem. It is therefore, the duty of the Thai Government to attempt, both directly and indirectly, to save the national economy from falling totally into the alien's hands. A series of occupational legislation and restriction were enacted against aliens in Thailand especially after the advent of the constitution in 1932. These laws and restrictive measure were amended several times with the purpose improving their soundness and enforceability

---

It is therefore interesting to study Thai governmental policies and legal measures which restrict aliens with respect to certain occupations in Thailand. As the Chinese form a mass group of aliens in Thailand. It is then inevitable that every governmental restriction will affect the way of their living more than any other alien groups.

This thesis consists of four chapters. The first chapter reviews the history of pertinent policies and measure as an introduction to the existing occupational restrictions. It begins with problems posed by aliens in Thailand especially since diplomatic relations between the United Kingdom and Thailand began in 1855. Those problems were concerned with the influx of alien immigration, occupational monopolies by some alien group in the Kingdom, the assimilation problem particularly between the Chinese and Thai people, the rise of Chinese nationalism, and the changing attitude of the Thais.

Regarding the influx of alien immigration, especially of the Chinese, factors attracting immigration are stated as: the favorable location, the fertile soil of the country with scattered population, the pressure of over-population and political disturbances in the neighbouring countries, the generosity of Thai people who are disinclined to commerce and manual labour.

Early in the nineteenth century, various monopolies were granted to the aliens, especially the Chinese, such as the monopolies of opium, lotteries, gambling and spirits. These led to the economic dominance of the Chinese in Thailand. In addition, unlike other alien groups the Chinese are always permanent residents who have closer contacts and relationships with the Thais than the others. In the early days of immigration, the

---

assimilation between the two races had been obviously carried on in two ways, social assimilation and economic assimilation. With respect to the former, the Chinese generally married Thai women without any racial barrier. Therefore the second and third generation Chinese in Thailand usually accepted Thai citizenship and its responsibility particularly military service. As for the economic assimilation, the Chinese and the Thai economy depended closely on each other, since various privileges and monopolies had been granted to the Chinese, as already stated.

Nevertheless the Chinese assimilation slowed down after China's defeat by Japan in 1895; consequently the rise of Chinese nationalism became obvious in Thailand. That event coincided with the changing attitude of the Thai government under the stimulus of nationalism led by King Rama VI. The Chinese community had then a tendency to lead separate lives of their own. After the revolutionary year of 1932 Thai nationalism became more fervent, a series of laws was issued to restrict certain occupations of aliens in Thailand.

The second chapter is concerned with governmental policies and legal measures towards aliens in Thailand in three periods: the period of nonrestriction before the early nineteenth century, early restrictive measures before 1932, and the restrictive measures after 1932.

During the first period the Thai government's policy toward the alien residents in Thailand was generally favourable; unrestricted immigration, no occupational limitation, including the monopolies' right. The early restrictive measures were firstly evident by the royal edicts against the sale and consumption of opium in the Kingdom by King Rama II and King Rama III as well as the end of lottery and gambling monopolies in

---

1916. Furthermore, the rising alien immigration to Thailand caused the Thai government to promulgate the first Nationality Act in 1913. Though this law discriminated against no single nationality, it did affect mainly the Chinese, and caused a marked decline in the Chinese migration rate.

After the advent of the 1932 Constitution, a series of discriminating measure against aliens in Thailand was energetically issued by the government with the purpose of curtailing the number of aliens and their commercial enterprises, as well as to create employment opportunities for Thai nationals. In 1947, the first annual immigration quota went into effect, followed by the Alien Registration Act, by which any alien reaching the age of twelve and those who are permitted to reside in the Kingdom must have identity cards. Nevertheless the amendment of these two Acts was afterwards made for the effective enforcement. Twenty-seven different occupations were firstly reserved to Thais in all localities throughout the Kingdom by the Royal Decree of 1942 under the Occupational and Vocational Assistance Act. Owing to the repeal and replacement of this Act, only thirteen kinds of occupation are now legally reserved to Thais: the making or casting of Buddha's images, lacquerwork, niello work, driving tricycle for hire, driving motor tricycle for hire, driving public vehicles, rice farming, salt-farming, hair-cutting, Siamese type-setting, hair-waving for ladies and hair dressing for ladies as well as dress-making for ladies.

The Government has already tried other indirect restrictive measures against aliens, for example, the limitation on land in regard to aliens whose countries have no treaties with Thailand concerning the ownership of movable and immovable property. In this case the Chinese would have no legal right to hold any title to land for business or industrial purposes. The same right in land has been allowed to the juristic persons

---

aliens, according to Land Code of 1954, Secs. 86 and 87. However, the government under the Revolutionary Party has relaxed the Land Code with the purpose to promote domestic industry. The permission will be granted under the discretion of the Board of Investment. The enactment of the Vocational Assistance to Thai Act of 1956 which specifies a percentage of Thai employment in certain alien business and industry, indicates an attempt of Thai government to seek employment for Thai nationals as well.

During 1960 some additional occupations have been under consideration of the government to be reserved for the Thais, such as, the breeding of silk-worm, manufacture of silk including weaving it into fabrics, the making and sale of shrimp paste and fish soy, weaving wicker, the manufacture of native face-powder, perfume, candles and scented stick.

Chapter III deals with policies-implementation concerning the control of immigration, naturalization and restriction on, especially, thirteen kinds of occupation and vocation including land ownership, fishery as well as teak and forestry concession. This is the effort to determine the procedures for implementing the legal measures by the individual government units concerned, for instance, the Police Department, the Public Welfare Department, the Land Department, etc.

The last chapter begins with a summary of the first three Chapters and an analysis of the reasons for the promulgation of the laws. The next point involves judgement as to the soundness and enforceability of legal measures, including some administrative problems. The evaluation is concentrated on the administrative behaviour of the governmental units and the authorities concerned, the necessity of the occupational legislation,

---

whether the restrictive measures should be continued or abrogated in future, and what change might be made to improve the implementation process. As Thai nationals take the important occupations reserved to them under the occupational restrictions, some shortcomings and disadvantages in regard to the Thais are essentially included.

Primary source materials employed in this thesis consist of laws and Royal Decrees, ministerial notifications, proclamations of the Revolutionary Party, statistical data gathered from official files and other governmental documents and personal interviews with responsible officials. Secondary materials are derived from books, both Thai and English, and newspaper articles.

As the economic condition of Thailand is threatened by some groups of alien residents, and the Thai government has made many attempts to remedy the economic problem and improve the economic condition, it is the hope that at least this thesis will be an interesting study which may contribute to the improvement of the administrative behaviour particularly on occupational restriction as well as to the students of Public Administration.

---

"I keep six honest serving men  
They taught me all I know.  
Their names are Why, and What, and When,  
And Where, and Who, and How."

Kipling

---