

สารนิพนธ์

THESIS ABSTRACTS

TITLE — DEED ADMINISTRATION IN THAILAND

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The purpose of this thesis is to present facts involving in the process of work of the Land Department of Thailand, as well as to analyse such facts with a view to visualize the whole perceptive organization of work along with ~~visualize the whole perceptive organization of work along with~~ visible problems and to suggest possible modification. The scope of the thesis is defined chiefly to the present administration with a hypothesis that the defects of such administration are causes of delay in the distribution of title-deeds to the land owners.

In the Kotmai Laksana Betset (Code of Miscellaneous Laws) of Budhist Era 1903, it is evident that the administration of title-deed was born out of the dawn of Ayuthaya Period, but it was rather an experiment than a real process of distributing title-deeds as land-ownership documents. The so-called "modern title-deed" was introduced in the reign of King Rama V about 62 years ago (B.E. 2444). At the end of the year B.E. 2506, title-deeds were issued for only about 4.11 per cent of the whole land area of the country or about 21.98 per cent of the amount of land to be covered by title-deeds. It was calculated that at the present rate of title-deed issuance, it would take hundreds of years before the whole country was covered. And, it has been criticized publicly that the process is too tardy to meet the need of the people, since each title-deed needs several years to be finished.

To all appearance, title-deed process has really taken a long time to be finished. This, however, has been true only in Bangkok and Thonburi where the

number of requests for the past seven years was about 50 per cent of the grand total in the country, and the back-log of work has accordingly been piled up, since each request needs about two years to be fulfilled. In other provinces, a title-deed could ordinarily, be issued in about six months.

From the administrative aspect, causes involving in the delay of title-deed process are as follow:

1. There are several laws to be followed and there are several matters to be considered in accordance with such laws, e.g., the rights of the applicant or of the person to be entitled to the deed. An important argument in legal aspects has been whether the purpose of title-deed is to entitle a person to a land ownership or merely to certify the right of a person who has already been a land-owner. A considerable number of people have acquired their lands illegally, there by burdening the authorities with detailed inquiries and investigations. "Sitthi Kropkrong" (Right of Possession) acquired through the Civil and Commercial Code has spoiled the maps which were duly surveyed and has brought along the additional work of map modification. Also cooperation needed from some persons, even sanctioned by law, was not effective.

2. There are several important problems in organizational arrangement. At present, delay, duplication and waste have been caused by the fact that many organizations whose work involve land and maps have worked independently of one another. The organizational structure of the Land Department is not in itself conducive to the rapid flow of work. The numerous procedural and work process layers involved have proved a considerable drawback. There are also problems involving communication, public relations, and shortage of personnel all of which have been immediate causes of delay in all phases of work. During the last seven years, only about half of the work to be done was finished, and the other half which was accumulated in heap has caused further problems, e.g., informal contact, undue delay in work, and opportunities to acquire special income.

3. Title--deed process involves specialised techniques in such work as cadastral survey, boundary inspection, etc. Moreover, most of the work has to be done on the site and accuracy is highly requires. All this inevitably requires time and experienced personnel.

4. As a consequence of the need for highly, specialized persons, solutions to a multitude of problems in personnel administration are found wanting. Formerly, as recruitment from outside was not readily forthcoming, the Land Department resorted to setting up its own school to train its personnel. The students, while under training were either paid or constantly motivated in some manner. Today, while it is not too hard to recruit outside people, highly qualified personnel still are few. Maintaining morale of the officials is also a very difficult task. Since the work is laborious and at times hazardous, the salaries low and the prospects poor, an inconsiderable number of employees have resigned or requested for transfers to other government agencies.

5. Other problems which require immediate solution include poor working conditions, poor relationship among officials, absence of discipline, efficient control and proper in--service training of the Department's personnel. These problems admittedly are hard to solve, but solved they must be if work improvement is to be effected.

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