

## ABSTRACT

Thesis Title : Legal Measures to Recall a Member of Local Assemblymen or  
any Administrator Board Under the Constitution of The Kingdom  
of Thailand B.E. 2540, Section 286

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This thesis is to study the recall measures of the local assemblymen or local administrators under Section 286 of the constitution of Thailand B.E. 2540, by asking the question of What is an appropriate recall measure for Thailand's local assemblymen or local administrators. To search for the answer, some recall measures of foreign countries has been brought under the study. They include measures employed by Switzerland In, the United States, and Canada. The United States and Canada only one member, not the whole local assembly, may be removed from office at a time. Thailand has also adopted such system with regard to the procedure of removing any sub-district head and village head from office in accordance with Section 14(6) of Local Government Act B.E. 2457.

Studies show that foreign countries have adopted a direct-democracy system in which people are titled to recall their representative from office. Some cantons in

Switzerland make use of a method called "Aberrufungsrecht", the removal of local representatives or all members of the local assembly from office. The United States has adopted such a system called "Recall" in approximately 14 states, and Canada has issued an act called "Recall and Initiative Act." However, in the United States and Canada, only one member, not the whole local assembly, may be removed from office at a time. For Thailand, a suitable recall measure of the local assembly or administrator to be adopted is as follows: after 180 days in office if voters in the local government organization, consider that any member of the local assembly or local administrator behaves in a way that he or she is no longer appropriate to remain in office, i.e. breaching the law, morality, or social mores, loss of dignity, or inefficiency in carrying out duties, not less than one-tenth of the entire number of the voters who are present at the latest election may register to file an appeal to the provincial election committee of that particular locality and must proceed the matter according to the procedures established by the election committee. The next step, the election committee will investigate the case, collect evidence, and decide whether the local assembly member or administrator be removed from office.

Voting for the recall will be held after the investigation is finished, and the vote is confirm their intention to pursue the case. The vote will be invalid if less than one half of the total number of the voters participated in the ballot.

On the contrary, if more than one half of the total number of the to voters participate in the ballot and not less than three-fourths of the votes agree with the motion the member of the local assembly or administrator will be removed from office on the voting day.