

ABSTRACT

Thesis Title : The Rule Against Bias of the Officials
in Administrative Process

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The legal aspect of a constitution drawn under a democratic system of a government states that all citizens will have equal rights and liberties though the government is run by a group of administrative officials. All decisions and orders emanating from the officials should follow the rule of law. At the beginning of any judicial proceeding, the rights should be spelled out to the parties concerned. Officials must be impartial and not be biased in any matter. If any trace of being biased is practised, the judicial proceedings cannot proceed fairly which will ultimately affect the judgement.

The rule against bias is the crucial element of the rule of Natural Justice. It is based on the need of people who

trust in the impartiality of judicial proceedings and the decisions handed down. Having the rule against bias will prevent government officials from having only their own interests served when discharging their duties. All cases will be looked at, according to the facts presented and justice meted out fairly.

In 1996, an Act of the Administrative Procedure was enacted. The rule against bias was also included in the Act. It forbade government officials who had an interest in a certain trial from examining and making judgements on that case. This was to make sure that all cases were dispensed with impartialty.

This thesis studies the origin, history, contents and evolution of the rule against bias during judicial proceedings. The author also looks at the limits of the promulgation of this law, the exceptions, and the processes involved to bar corrupt officials from judicial proceedings. The legal effects of an administrative order meted out partially will also be discussed.

The author has concluded after intense research that the administrative officials and the defendents don't understand this law well enough. Most of them think that "bias" means having a personal relationship between the officials and the other party in the sense that they're related either

through marriage or blood. In other words it's a family affairs. What is not understood is that very often an officials is considered biased when he publicly gives an opinion of a case or a trial before it's heard, thus marring justive. The party on trial has a right to object to these statements.

Thais also tend to have close relationships with their countrymen from the same region which may again result in prejudice. All things said, the application of the rule against bias, as part of the Act of the Administrative Procedure, A.D.1996, should take into account the social context as well.