

## ABSTRACT

Thesis Title : Administrative measures in controlling and preventing  
problems of industrial pollutions

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Legal measures as applied are the most essential administrative mechanism for environmental protection. Nonetheless, to solve environmental problems legal measures alone cannot be invoked. In particular, civil and criminal actions, which are the enforcement mechanisms of administrative laws are, in terms of prevention, belated measures. This is due to the fact that such measures are taken after the problems have occurred. Due to complicated procedures and its slowness, civil and criminal actions are, at present, unable to cope effectively with environmental disputes. Therefore, administrative measures must play a significant role in environmental management to empower the state to set up relevant administrative arrangements, for example, policy, planning, regulation, especially the appropriate means of monitoring and punishing violations in order to handle environmental problems efficiently.

However, the administrative measures currently in place to control and prevent the pollution, particularly from industrial plants, as set out in the Factories Act, 1969 and the Improvement and Conservation of the National Environmental Quality Act, 1975 do not correspond with the objectives of environmental protection. For example, the exemption of a permit request prior to establishing the Type 3

Factory, generally considered as the most dangerous type that must be strictly controlled - is prescribed in Article 30 of the Factories Act. Consequently, the authority of this administrative measure is automatically restricted in controlling and preventing environmental harm in accordance with the fundamental law, and other laws that have no enforcement power.

Furthermore, compliance with Article 47 of the Improvement and Conservation of the National Environmental Quality Act shows that a project that requires the approval of the Cabinet does not require a statement on the environmental impact despite this requirement being necessary for the ordinary project. In addition to making such a statement, the procedures and consideration factors are well - settled, but the judicial review and determination process belongs to solely to the administrative branch. For details, the agent in charge of the project makes his own report, and then presents it to the Cabinet. The Cabinet will consider and make a decision without consulting public opinion. This situation continues throughout the process, the public has no right - to - know or the participate in environmental management at all. Failure to hear public opinion often causes conflict between the State and the public as well. Many projects which may have been beneficial through out the country, and had been approved by the government, were ultimately suspended or banned due to public protests from the local community.

This research explored the means of resolving those disputes. It offers proposals for revision and amendments to both Acts. Law enforcement will be executed more effectively for environmental control and prevention. Measures are proposed to allow the public to criticize or participate in the decision making process relevant to any project which may be a hazard to the environment, and compliance with a theory of environmental right, a fundamental human right. This will assist in controlling and preventing problems of industrial pollution efficiently.