

Independent Study: Public Land Conservation under the Authority
of the Chiang Mai Provincial Officers

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ABSTRACT

The problems of encroachment of public domains has been prevailing for a long time. These domains are being used mostly for dwelling and for making a living from such land. These public places are creeks, canals, such as the Mae Kha canal, river banks and cemeteries etc. The cause of this land encroachment is the population pressure, the people are poor and have no land to cultivate causing them to desert their land and seek employment in town. But because the cost of land is high and to rent is also expensive, they have to encroach on these public places for temporary shelter.

One of these groups of people are the ones with limited land use combined with the fluctuation of soaring land prices, therefore causing encroachment of public domains, such as the Forest Reserve areas and National Forest Zones.

Another group is the people who have social values and wish to make use of the natural environment and therefore have acquired land adjacent to the mountains, creeks and rivers, consequently the encroachment is inevitable as is seen on the banks of the Ping River and the land in the hills. These groups are the rich capitalists including politicians who have encroached upon the Forest Reserve areas etc. for their allocation of golf courses and resorts.

This research is made from a study of the meaning and the history of the public domains and its uselessness, the maintenance authority, the protection and prevention of public domains, the cause of the encroachment, the problems of the public land in Muang Chiang Mai and San Pathong Districts in the Chiang Mai Province, the official solving of this problem in the past and present and successful solving guideline measures. From research carried out on the abovementioned two districts during the years 1987-1992, where particular problems arose from violations of the Rural Administration Act of FY 1914 and

the Land Act of FY 1954, it was found that there were different problem situations in the public domain encroachment in Chiang Mai Municipality, Muang and San Pathong Districts particularly in the municipality. The public canals and the banks of the Mae Ping River where encroachment was most prevalent are where the problems are harder to solve. The official authorities are the Municipal Council, the Municipal Administrators and the city District Officers which must join hands in solving these problem. If they are let go without solving, the encroachers will multiply while in the San Pathong District the amount is less and may be more easily solved.

The researchers have divided the solving guidelines to probe this encroaching problem into two aspects, they are: Firstly find protective measures for the encroachment and the allocation of resettlement for these people or lease of such public land on a yearly basis; Secondly, the last measure, if other means are not met, is to bring the law into affect requiring the power of the Governor, the Revolutionary Act No. 4.4 dated 11 January 1959 to reinforce the solving of this problem.