



Administrative Court News

No. 16 /2019

The Administrative Court announces the outcomes of its operation on its 18th Anniversary

On 5th March 2019, Hon. Piya Patangta, President of the Supreme Administrative Court, presided over the annual announcement to the media and the public regarding the operations of the Administrative Court. Following is a summary of the important issues mentioned in the announcement.

Administrative Case statistics for the last 18 years up to 31 December 2018

The Administrative Court received a total of 149,469 cases over the last 18 years. Of these, 105,783 cases were filed with the Administrative Courts of First Instance. Appeals and cases filed directly with the Supreme Administrative Court totaled 43,686 cases.

“A total of 83.8 percent of cases filed with the Administrative Court have been finalized.”

Number of cases filed, pending and finalized divided according to court level up to 31 December 2018

Administrative Court	Total cases filed	Finalized cases		Pending cases	
		No. of cases	%	Total cases	%
Supreme Administrative Court	43,686	31,360	71.79	12,326	28.21
- General Administrative Cases	34,827	28,314	81.30	6,513	18.70
- Environmental Division	1,308	777	59.40	531	40.60
- Personnel Administration Division	3,383	1,252	37.01	2,131	62.99
- Budgetary and Financial Discipline Division	28	4	14.29	24	85.71
- Public Administration Division	1,409	519	36.83	890	63.17
- Wrongful Acts and Other Liabilities Division	2,731	494	18.09	2,237	81.91
Administrative Courts of First Instance	105,783	93,932	88.80	11,851	11.20
- General Administrative Cases	93,787	84,900	90.52	8,887	9.48

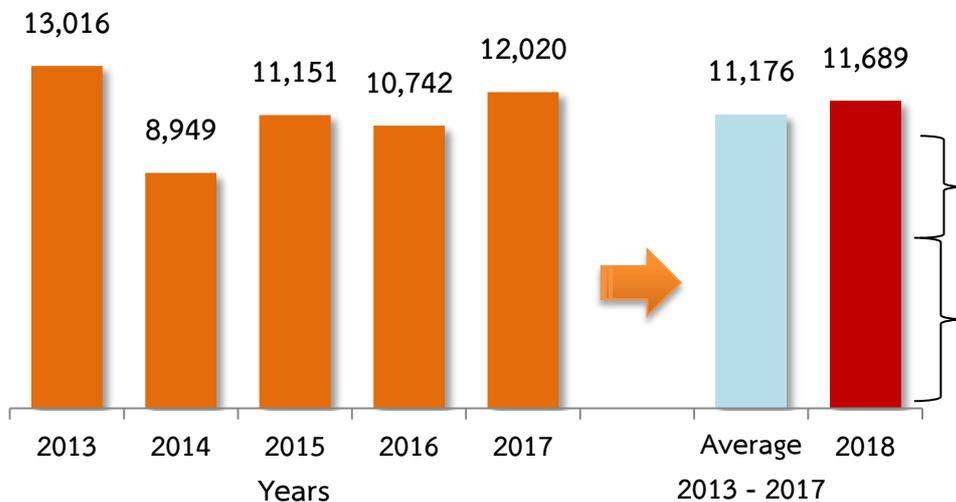
- Environmental Division	5,259	4,841	92.05	418	7.95
- Personnel Administration Division	6,692	4,162	62.19	2,530	37.81
- Budgetary and Financial Discipline Division	45	29	64.44	16	35.56
Total	149,469	125,292	83.82	24,177	16.18

The Administrative Courts of First Instance have finalized 93,932 cases (88.80%). The Supreme Administrative Court has finalized 31,360 cases (71.79%).

In 2018, a total of 11,689 cases were filed. This is the fourth consecutive year that the Administrative Court has received more than 10,000 cases. From this total number, 7,668 cases were filed with the Administrative Courts of First Instance and 4,021 cases were filed with the Supreme Administrative Court. During the last five years (2013-2017), the average number of cases filed was 11,176 cases/year.

“This is the fourth consecutive year in which the Administrative Court has received more than 10,000 cases”

Numbers of cases filed with the Administrative Court in 2018 compared with those filed in last five years (2013-2017)



During 2018, the Administrative Courts of First Instance finalized 7,026 cases (91.62%). The Supreme Administrative Court finalized 2,705 cases (67.27%).

Government ministries or agencies which were most frequently defendants in cases were (in order of number of cases): Ministry of Interior, Ministry of Education, Ministry of Transport, the Prime Minister’s Office or agencies under supervision of Prime Minister and Ministry of Agriculture and Cooperatives.

Number of cases according to Ministry	
Ministries	Number of cases
Ministry of Interior	1,873
Ministry of Education	1,018
Ministry of Transport	680
The Prime Minister's Office / agencies under supervision of Prime Minister	452
Ministry of Agriculture and Cooperatives	354
Ministry of Finance	306
Ministry of Natural Resources and Environment	255
Ministry of Public Health	212
Ministry of Energy	131
Ministry of Commerce	110

Note: These numbers include cases filed against Government agencies, state enterprises and public organizations attached to or under the supervision of a Ministry.

Policies and Direction

The Administrative Court formulated its policies and direction for fiscal year 2018 and declared 2018 as "The Year of Increasing Performance Efficiency and Electronic Public Service Delivery". The operational framework established for policies and direction is as follows:

Adjudication and Execution of Administrative Cases

First implementation: Cases that have been pending for more than 2 years were adjudicated within the year 2018 and newly filed cases were adjudicated within a reasonable time frame. In addition, Administrative case execution proceedings were accelerated in accordance with the Administrative Court's judgments and orders in order to promptly redress grievances of parties. In fiscal year 2018, the number of successful case executions was 1,045 cases. In fiscal year 2019 (as of 30 November 2018) the number of successful case executions was 150 cases. The total number of successful case executions since inauguration is 11,257 cases.

Second implementation: Laws, rules, notifications, and regulations were amended in accordance with the new Constitution of the Kingdom of Thailand in order that the adjudication and execution of administrative cases would be faster and more effective, resulting in a decrease in pending cases by means of preparing, amending and promulgating rules, regulations, notifications and orders concerning management of the Administrative Court and Office of the Administrative Courts. For example:

1) *The Act on Establishment of Administrative Courts and Administrative Court Procedure (No.10), B.E. 2561 (2018)* concerning the amendment of provisions was promulgated in accordance with the Constitution of the Kingdom of Thailand. Court hearings and case management were carried out more efficiently. For instance, a plaint can be submitted through e-Filing system, proceedings of request for exemption of court fees have been changed, adjudication in urgent cases will be carried out and there is no longer a need for a court hearing when appealing a judgment.

In addition, the *Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, (No.7), B.E. 2562 (2019)* concerning the amendment of regulations on request for exemption of court fees was amended. Formerly, a person requesting for exemption of court fees must be present at the court in order to swear an oath before court officer and to state that he or she has insufficient funds and if court fees are not exempted he or she will be aggrieved. However, the new regulations do not require that such person appear in court to do so. The court itself may inquire into facts or may use other means that do not require such person to be at the court. Also, the court is no longer required to send a copy of the request statement to another party to allow for his/her objection which results in a more convenient and rapid adjudication.

The said Rule also determined that the President of the Administrative Courts of First Instance can order proceedings of adjudication to be expedited in cases where following normal procedures will cause severe damage to the plaintiff or difficulty in redressing grievances or solving problems for State administration or public services. The new regulations came into force on 6 February 2019 but adjudication was expedited in the case where the court ordered Voice TV to stop broadcasting. In this case, the Administrative Court rendered judgment within 14 days.

In addition, it was determined that in cases of an appeal against a judgment, if a chamber in the Supreme Administrative Court views that facts and laws are not complicated or that not having a court hearing will not cause unfair adjudication, the court may dispense with a court hearing. However, if parties wish to have a court hearing, the court is required to provide one. This will result in more efficient trial and adjudication.

2) *The Act on Establishment of Administrative Courts and Administrative Court Procedure (No.12), B.E. 2562 (2019)* concerning mediation for administrative dispute was amended. The amendment will result in more effective case management as parties may choose alternative dispute resolution to resolve their dispute and maintain good relations between them.

3) Rules prescribed by the Judicial Commission of the Administrative Court (J.C.A.C) concerning court fees for examination, making a copy and certifying a true copy of a judgment or order disposing of an administrative case were promulgated. These rules provide the public with an alternative method for examining documents, making a copy or certifying a true copy of a document through the court's electronic system. Members of the public allowed to use this kind of service will be exempted from court fees.

4) *The Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure, (No.8), B.E. 2562 (2019)* concerning additional provisions on execution of administrative cases is awaiting publication in the Government Gazette.

5) *The Rule of the General Assembly of Judges of the Supreme Administrative Court on Electronic Administrative Court Procedure, B.E. 2562 (2019)* concerning submission of a case and electronic proceedings is awaiting publication in the Government Gazette.

In addition, recruitment of judges for the Supreme Administrative Court and Administrative Courts of First Instance has been carried out in order to retain the number of judges appropriate to the case load of each court. At present, the Administrative Court is in the process of selecting persons who are not currently an administrative judge to be eligible for appointment as a judge of the Supreme Administrative Court. For the Administrative Courts of First instance, there are 40 qualified persons who have requested to attend training courses in accordance with the corpus specified by the J.C.A.C. After finishing the training, their names will be submitted to the Prime Minister and may be appointed as a judge of the Administrative Courts of First instance by royal permission.

Increasing Performance Efficiency and Public Service Delivery

First implementation: Provision of services to the public through electronic channels will be developed for case management as follows:

1) Develop an e-Filing system that allows plaintiffs to file a plaint through an electronic channel and which allows both parties in a case to submit documents via the Administrative Court website;

2) Renovate hearing rooms/inquiry rooms to be e-Courtrooms so that all parties can see documents and evidence in a case during the hearing and inquiry by using a projector, a visualizer and a computer. Moreover, a recording system will be installed in these rooms in order that the hearing and inquiry can be recorded and video and audio files can be viewed later if needed;

3) Develop an electronic system to collect, examine and copy documents in a case so that Administrative judges and Administrative Case officials can see them in the form of electronic files at the same time. The right to access documents in a case is reserved only for parties concerned;

4) Develop an electronic system of docket follow-up and borrow-and-return as well as case management using a QR code for Administrative judges and Administrative Case officials who can access the system using mobile applications inside the court. Officials responsible for case filing and case tracking can follow up on cases via the Court's Intranet system.

Second implementation: The organization management system has been improved to be more efficient, up-to-date, transparent, and verifiable. The IT system will be used to convert original work procedures into e-service procedures; for example, developing a paperless office and an IT database that supports information exchange. This will allow Court personnel and relevant agencies to access and link with the Smart Court (e-Admincourt & e-Service Systems) in an efficient manner such as applying for e-leave and use of zero copy according to measures required by Government guidelines. The court has coordinated with the Bureau of Registration Administration (BORA), Department of Provincial Administration in matters of population information linkage which now allows people to receive government services at the Administrative Court without using ID cards.

Third implementation: The Administrative Court emphasized promoting understanding of administrative justice to the disabled. In 2018, sign language publications for the deaf were prepared in 100 wordings related to administrative law and the administrative court. Sign language videos on "Justice is our Mission" and "Filing an Administrative Case" as well as 4 online learning courses on administrative law and the administrative court were prepared for students, government officials and the public. They are expected to be published on the Administrative Court website and on public online apps by the Open Education Resource (OER) of the National Science and Technology Development Agency (NSTDA) in April 2019.

Fourth implementation: Cooperation with other agencies to increase standards of performance of the Administrative Court has been enhanced; for example the online publications project for learning from remote areas with the National Science and Technology Development Agency (NSTDA) and the Open Education Resource (OER). Following, are technical cooperation activities between the Administrative Court and international agencies:

- An MOU was signed between the Office of the Administrative Courts and the National IT Industry Promotion Agency (NIPA), South Korea, to promote cooperation in the exchange of IT knowledge. During 2016 – 2018, NIPA sent three groups of student volunteers from South Korean universities to assist the Bureau of Information Technology in developing operational systems.

- An MOU was signed to promote cooperation between the Office of the Administrative Courts and KAIST university, a leading university in South Korea, renowned for its technology expertise and innovation. A scholarship to complete a master's degree in the IT Technology Program (ITTP) was granted to personnel of the Office of the Administrative Courts.

- A TI expert has been invited from the National Information Society Agency (NIA) by the Administrative Court to consult on e-court development since 2017.

- The Office of the Administrative Courts in cooperation with the People's Republic of China is planning a courtesy call on the President of the Supreme People's Court of the People's Republic of China by the President of the Supreme Administrative Court around the end of 2019. Also, a delegation of computer technical officers from the Bureau of Information Technology who are in charge of developing the e-Court system of the Administrative Court is scheduled to make a study visit to the Supreme People's Court of the People's Republic of China. The purpose of the study visit is to sharpen their knowledge and skill so that they will be able to assist the Administrative Court more effectively in e-court system and proceedings.

In summary, the Administrative Court is moving forward into a digitalized era of administration in fiscal year 2019. **The mission of the Administrative Court is to enhance public interest, professionalism, trust, democracy, creation, constant development, convenience, network cooperation, the use of modern technology and team work.**

Office of the Administrative Courts, on 5 March 2019