

Forestry Buddhist Temple: A Specific Legal Permission for using Public Forest Land, a Specific Case in Thailand

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Abstract

Public land is usually protected by laws and belongs to national government. To use public land by private sector is usually not allowable. However, the special permission might be provided in some specific cases. There are many possible purposes for using public land. Here, the authors discuss on the specific case in Thailand on using public forest, which is a kind of public land, for setting a forestry Buddhist temple. Since Buddhism is rooted in Thailand, a tropical country in Indochina and there is a specific sect of Buddhist in Thailand namely Aranyasri that Buddhist monk lives and practice in the forest, some forestry Buddhist temples are set and get the legal permission for government for locating in the national public forest areas.

Keywords: *Buddhist, forest, temple, legal, permission, national, public land, Indochina, Thailand, monks*

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INTRODUCTION

Public land is usually protected by laws and belongs to national government. To use public land by private sector is usually not allowable. However, the special permission might be provided in some specific cases. There are many possible purposes for using public land. For example, the public land might be used by an educational organization for specific studying or researching. The way to permit the existence of the private sector in a public land is a very interesting issue in laws. There must be the specific legalization process for issuing a specific permission to the private sector to use public land case by case.

There are several kinds of public lands. The national forestry area is a good example of public land. National forest is usually a specific area that has many trees and wildlife. The specific protection of the national forest area by laws is common [1–3]. The protection is aimed at environmental conservation. The specific environmental laws such as specific Forestry Act are usually used for controlling of public forest.

The permission to private sector to use the public forest area is a very interesting case study. Here, the authors discuss on the specific case in Thailand on using public forest, which is a kind of public land, for setting a forestry Buddhist temple. Since Buddhism is rooted in Thailand, a tropical country in Indochina and there is a specific sect of Buddhist in Thailand namely Aranyasri that Buddhist monk lives and practice in the forest, some forestry Buddhist temples are set and get the legal permission for government for locating in the national public forest areas.

Public Forest area and Forestry Buddhist Temple

There are many forestry Buddhist temples in Thailand at present. Those temples, locally known as “Wat Pa” are the specific places for Buddhist monks in Aranyasri Sect of Thai Buddhism live and perform religious practice. According to the concept of Aranyasri Sect, Buddhist monk has to live and practice in isolate forestry area. This is aimed at calm and peaceful mind.

In the past, there are many forest areas in Thailand and Buddhist monks in Aranyasri

Sect could freely live and settle a forestry Buddhist temple. However, in the present day, all public forest areas in Thailand have already been protected by Thai Forest Act and the entering to live or setting a settlement in public forest area is considered illegal. The Act directly affects the religious tradition of the monks in Aranyasri Sect. Therefore, there is a specific legalization way to permit the monks in Aranyasri Sect to live and set a Buddhist forestry temple for religious purpose within the national forest area.

According to the legalization process, the Buddhist monk in Aranyasri Sect who acts as an abbot of the Buddhist forestry temple has to get legal allowance from Thai Royal Department of Forest. The specific details of specific laws, Ministerial Regulation namely Asking for Permission and Allowance for Using Public Forest Area for Specific Purpose B.E. 2558 under Thai Forest Act, B.E. 2484. Modified Version B.E.2518 noted that

“Item 20. Asking for permission for settling or construction of religious place

It is possible to consider and give permission for using of specific land, with limited area not more than fifty rai (1 rai = 1,600 square meters) according to the necessity and appropriateness to local society. The legal permission period lasts for not more than 30 years per an allowance.”

Referring to this specific legal regulation, there are many forestry Buddhist temples in Thailand. Those temples usually exist and locate in national forest areas in Thailand in the present day. The legal permission is commonly demonstrated as a public notification board at the forestry Buddhist temple.

DISCUSSION

The specific permission to use public forest area by private sector exists in Thailand. This is specific legally control by specific laws. Generally, the protection of national forest area is by Thai Forest Act, B.E. 2484. Modified Version B.E.2518. According to Thai Forest Act, B.E. 2484. Modified Version B.E.2518, there are some specific purposes that the private sector might ask for permission from national government to issue legal permission in order to use the public forest area. The specific Ministerial Regulation namely Asking for Permission and Allowance for Using Public Forest Area for Specific Purpose B.E. 2558 under Thai Forest Act, B.E. 2484. Modified Version B.E.2518 mentioned for specific legal procedure on this legal aspect (Table 1). The examples of those specific purposes are education, researching, mining and petroleum survey. Legally, the issue of the legal permission form will be considered and given by the Minister of Thai Ministry of Natural Resources and Environment.

Table 1: Specific purposes that the private sector might get Legal allowance to use the public forest area in Thailand According to the Specific Ministerial Regulation namely asking for Permission and Allowance for Using Public Forest Area for Specific Purpose B.E. 2558 under Thai Forest Act, B.E. 2484. Modified Version B.E.2518.

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| 1 | Mining survey, mining transportation and relating activity for delivery mines from the allowed mine with concession externally |
| 2 | Petroleum survey, petroleum production, keeping, transportation and relating activity according to specific petroleum laws |
| 3 | Digging or collecting sand, or dirt which is not a mining activity according to Thai Mineral Act |
| 4 | Living and agricultural activity |
| 5 | Tree growing or forest plantation activity |
| 6 | Recreation activity |
| 7 | Wild animal livestock and breeding activity |
| 8 | Settling and construction of religious place |
| 9 | Education and academic research activity |
| 10 | For other necessary activities according to governmental project |

The way to legalization is usually according to the local culture and belief. As indicated in the specific laws, the legal permission is issued according to the necessity and appropriateness regarding to local culture of the area that the Buddhist forest temple locates. Indeed, the forestry Buddhist temple and Buddhist monks in those Buddhist temples are usually highly respected by the local people. Many forestry Buddhist temples are the famous religious pilgrimage sites in Thailand [4]. The way that the monks live in harmony with the forest is interesting and it is also an interesting extraordinary way that can help forest protection. This might be a spiritual dimension for protection which might be more effective than a simple legal control without linkage to spiritual background of the local community. How to put the harmonization between the local people and the conservation is a necessary issue in any setting. It is an important policy to reduce deforestation [5].

CONCLUSION

The legal permission for construction and settling Buddhist forestry temple in Thailand is an interesting case study on legalization to use public land by private sector that is based on the local social geographical context.

CONFLICT OF INTEREST

None

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