

**Constitutional Court Ruling No. 14/2563 (2020)**

Narathiwat Provincial Court    Applicant  
-    Respondent

Constitution, section 4, section 26, section 29 and section 40;  
Emergency Decree on Fisheries, B.E. 2558 (2015), section 151 paragraph four.

Section 151 paragraph four of the Emergency Decree on Fisheries, B.E. 2558 (2015) provided that an offender who used a vessel having a size of one hundred and fifty gross tonnage or greater, which failed to install a vessel monitoring system and maintained the operability of such system at all times, shall be liable to a fine of four million baht. This provision was a measure to prevent, suppress and deter offenders by taking into account the severity of the wrongdoing pursuant to the size of vessel and potential benefits to be obtained by a wrongdoer, and prescribed only a fine penalty in lieu of imprisonment. The rate of fine was prescribed proportionately to the vessel size, which accounted for the fishing capacity. Even though the fine rate was high, and the only penalty prescribed was the fine, the provision was consistent with the principle of prescribing a fine level proportionately to the vessel size, which was in accordance with the value of catch obtained from the commission of offence. Furthermore, the court had a discretion to lower such penalty as appropriate for any particular case. The provision was neither contrary to nor inconsistent with section 4, section 26, section 29 and section 40 of the Constitution.