

Constitutional Court Ruling No. 17/2563 (2020)

Ombudsman

Applicant

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Respondent

Constitution, section 129;

Subpoena Order of a Parliamentary Committee of the House of Representatives and Senate Act, B.E. 2554 (2011), section 5, section 8 and section 13.

Section 129 of the Constitution of the Kingdom of Thailand, B.E. 2560 (2017) amended the principle under section 135 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) by changing the duties and powers of the parliamentary committee to the power to “summon” in lieu of the power to “issue a subpoena order”, and changing from “investigation” to “factual inquiry”. Section 5, section 8 and section 13 of the Subpoena Order of a Parliamentary Committee of the House of Representatives and Senate Act B.E. 2554 (2011) provided that a parliamentary committee had the power to issue a subpoena order and prescribed criminal penalties for a person who violated or failed to comply with the subpoena order of the parliamentary committee. These provisions prejudiced the individual’s rights and liberties, disproportionately creating a burden or restricted the individual’s rights or liberties, and constituted provisions which were inconsistent with the principle under section 129 of the Constitution. The provisions in all three sections were contrary to or inconsistent with the Constitution and therefore raised questions of constitutionality under section 129 of the Constitution.