

Constitutional Court Ruling No. 29/2563 (2020)

President of the House of Representatives Applicant
General Prayut Chan-o-cha, Prime Minister and Minister of Defence Respondent

Constitution, section 160(5) and section 170 paragraph one (4, (5), section 184 paragraph one (3) and section 186 paragraph one.

Section 170 paragraph one (4) in conjunction with section 160(5) of the Constitution provided that a Minister shall not conduct oneself in a way which seriously violated or failed to comply with ethical standards. Section 170 paragraph one (5) in conjunction with section 186 paragraph one and section 184 paragraph one (3) of the Constitution provided that a Minister shall not accept special monies or other benefits from a government agency, state agency or state enterprise in excess of how a government agency, State agency or State enterprise would treat other persons in the ordinary course of business. It was found that the respondent resided in the Royal Thai Army guest residence and received support for costs of electricity and water. The Royal Thai Army had the discretionary power to decide under the Royal Thai Army Regulation on Residing in the Royal Thai Army Guest Residence B.E. 2548 (2005) to grant such right to other former high level commanding officers having such qualification as with the case of the respondent. This was a personal right arising from the position of a former high level commanding officer of the Royal Thai Army, not an act which caused the respondent to receive special monies or other benefits from the Royal Thai Army, a government agency, in excess of the Royal Thai Army's treatment of other persons in the ordinary course of business. Hence, the grant of such right was not prohibited under the Constitution. Therefore, the respondent's individual ministership did not terminate under section 170 paragraph one (5) of the Constitution. Upon reaching such decision, this was therefore a case where there was a regulation on the respondent's eligibility. The respondent did not perform any conduct in serious violation or non-compliance with ethical standards and did not perform an act prohibited under section 160(5) of the Constitution. The respondent's individual ministership therefore did not terminate under section 170 paragraph one (4) of the Constitution.