

**Constitutional Court Ruling No. 1/2561 (2018)**

President of the	Applicant
National Legislative Assembly	
-	Respondent

Constitution, section 267 and section 273 paragraph one;  
Organic Bill on Anti-Corruption, B.E. ...., section 11(1), (18) and section 185.

Section 267 and section 273 paragraph one of the Constitution were transitory provisions which recognised the status of an office holder in an independent organ holding office prior to the day of promulgation of the Constitution to remain in office for performing functions during the transitional period between the enforcement of the previous Constitution and the current Constitution, and after the promulgation of laws under section 267. The incumbent would remain in office as provided by law, subject to approval of the National Legislative Assembly as tasked by the Constitution. The continuation of office could take many forms, but had to take into account the reasons, necessity and suitability in terms of composition, duties and powers of each organ, and shall be in accordance with the spirit of the Constitution.

Draft section 185 of the Organic Bill on Anti-Corruption, B.E. .... was a transitory provision on the continuation of office by recognising the status of the President of the National Anti-Corruption Commission and National Anti-Corruption Commissioners holding office on the day prior to the effective date of the new law to ensure the continuous performance of duties during the transition of laws. As for the provision which exempted the prohibitions under draft section 11(1) and (18), even though they were exemptions of certain prohibitions under the Constitution, the Constitutional Court had already delivered Ruling No. 1/2560 on the exemption of certain qualifications as not being contrary to or inconsistent with the Constitution. The qualifications and prohibited characteristics provided tools for selecting persons to offices in independent organs. Draft section 185, in relation to the exemption of prohibited characteristics under draft section 11(1) and (18), was consistent with the rule of law and had taken into account reasons, necessities and suitability, and was already in accordance with the spirits of the Constitution. The provision was therefore neither contrary to nor inconsistent with the Constitution.