

Constitutional Court Ruling No. 8/2562 (2019)

Central Administrative Court Applicant

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Respondent

Constitution, section 3, section 26 and section 27;

Organic Act on National Human Rights Commission, B.E. 2560 (2017), section 60 paragraph one and paragraph two.

The stipulation that the incumbent Chairperson and National Human Rights Commissioners (NHRC Chairperson and NHRC Commissioners) had to vacate office as from the day of the Organic Act on National Human Rights Commission, B.E. 2560 (2017) coming into effect, but shall continue to perform duties until the new commissioners assumed duties pursuant to section 60 paragraph one of the Organic Act on National Human Rights Commission, B.E. 2560 (2017), was intended to ensure continuous functioning of the organ to avoid any gap which could affect the organ's functioning. The reason for the incumbent NHRC Chairperson and NHRC Commissioners not receiving a fixed monthly allowance under section 31 paragraph two was because the NHRC Chairperson and NHRC Commissioners had qualifications and no prohibited qualities for selection pursuant to the new rules and procedures, with several differences in duties and powers from the previous NHRC Chairperson and NHRC Commissioners. However, they remained eligible to receive pre-existing benefits pursuant to section 60 paragraph two of the Organic Act on National Human Rights Commission, B.E. 2560 (2017). The provision was therefore consistent with the principle of necessity for public interest, took into account reasons and suitability to the case, and was not an unjust discrimination. Hence, the provision was neither contrary to nor inconsistent with section 3, section 26 and section 27 of the Constitution.