

**Constitutional Court Ruling No. 9/2562 (2019)**

Central Administrative Court Applicant

-

Respondent

Constitution, section 40 and section 75;  
Excise Tax Act, B.E. 2560 (2017), section 164.

Section 164 of the Excise Tax Act, B.E. 2560 (2017), which provided that the state held a monopoly over the production of cigarettes, was intended to take control over cigarette production and consumption in the country to meet quality and standards so as to avoid impact on public health. The provision protected consumers and public health, which was deemed as a public interest, legitimising the state's enactment of a law to restrict a person's liberty to engage in an occupation. The State's economic intervention was one of its functions. This was not a case where the state did not offer an opportunity to the people to benefit from economic growth in the cigarette industry. The provision did not constitute an unfair monopoly of the economy and was not a business operation in competition with the private sector that was contrary to or inconsistent with section 40 and section 75 of the Constitution.