

Constitutional Court Ruling No. 11/2562 (2019)

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

Constitution, section 98(15) and section 160(6).

Section 98(15) of the Constitution prohibited the respondent from being an employee or staff of a government agency, state agency or state enterprise, or a state official, and section 160(6) provided that a Minister must not have a prohibited characteristic under section 98. The Head of the National Council for Peace and Order was not a position under the command or supervision of the state or any state agency. Furthermore, the office holder was not appointed by law. In fact, no law prescribed the process for obtaining or taking office. Such office holder therefore did not have an office status or job description in a similar manner to an employee or staff of a government agency, state agency or state enterprise, and was not other state officials under section 98(15) of the Constitution. Hence, the respondent's individual ministerial office did not terminate.