

**Constitutional Court Ruling No. 7-8/2565 (2022)**

Central Administrative Court

Applicant

-

Respondent

Constitution, section 26;

Local Administration Act, B.E. 2457 (1914), section 12(11) (with respect to the provisions on law on narcotics).

Section 12(11) of the Local Administration Act, B.E. 2457 (1914), provided the qualifications and prohibitions of a person who would be elected as a village headman, stating that such person “not be sentenced by a final judgment for commission of an offence related to the law on narcotics.” The particular offence under the law on narcotics was not clearly specified. Also, the absence of any limitation period in the case where such person was prohibited from applying for candidacy to become a village headman implied that such person who was subject to a final judgment convicting him for all offences relating to the law on narcotics would be under a lifetime prohibition from applying for candidacy to become a village headman. The absence of differentiation of acts and severity of such application as appropriate to the characters and circumstances of the act, and absence of limitation period for the prohibition of such person from applying for candidacy to become a village headman, constituted an unreasonable and disproportionate increase of burden or restriction of right or liberty. The provision was contrary to the rule of law and inconsistent with current conditions. The provision of section 12(11) was therefore contrary to or inconsistent with section 26 of the Constitution. Thus, this Constitutional Court enforcement order would come into effect upon the expiration of three hundred and sixty-five days of the Court’s ruling and the relevant agencies should proceed to revise the entire subsection of section 12(11) of the Local Administration Act, B.E. 2457 (1914), as appropriate for the type of act and severity of the accusation, as well as consistency with current conditions.