

Summary of National Police Act B.E. 2565

1. Objective

Upon the proclamation of this Act, as Section 258 (d), justice procedure (4) of the Constitution of the Kingdom of Thailand prescribes that the national reform on justice procedure shall be implemented in order to ensure that this law will be enforced efficiently, by revising and amending the laws relating to duties, power and mandates of police officers to be more suitable; and revising and amending the laws relating to the police personnel administration to be more efficient and to guarantee that the police officers will obtain appropriate remuneration and be treated equally on their promotion and postings; as well as to ensure that the decision on their rewards will be made explicitly in line with the merit system. Upon the decision made on promotions and postings, their seniority, knowledge and capability shall be taken into account, so that those police officers can perform their duties professionally and independently, without being influenced by others; and can do their work efficiently and be proud of their own efficiency. In this regard, the National Police Act B.E.2565 was thus promulgated in accordance with the Constitution of the Kingdom of Thailand.

2. Key Issues

In order to ensure that the promulgation be in line with the aforementioned objective, the National Police Act B.E. 2565 was then promulgated under the following key issues:

2.1 To determine the appropriate framework of duties, power and mandates of the police officers, by removing non-material mandates out of the Royal Thai Police (Sections 163 to 166 of the Transitory Provisions).

2.2 To determine the efficient outline of human resources of police personnel, in order to guarantee that the police officers will obtain suitable remuneration and rewards under the explicit merit system (Sections 98 to 104 of Chapter 4 re: salary, position allowance, and other additional allowance)

2.3 To determine work lines so that the police officers of each work line can be promoted within their work line and by their expertise in their work line (Sections 61 to 70 of Chapter 2 re: position and position determination)

2.4 To determine explicit procedures of appointment and promotion, by considering seniority, educational background and public satisfaction for services provided, so as to ensure the fairness for the appointment and transfer, provided that, upon the decision made on the appointment and transfer, seniority, educational background and capacity shall be taken into account (Sections 71 to 97 of Chapter 3 re: instatement, appointment and promotion).

(TRANSLATION)

2.5 To set up a committee protecting the police officers' morality in order to consider and make decision on appeals, complaints and determine the concrete merit system, so as to establish the last resort of police officers for relieving their grievance caused by supervisors (Sections 33 to 42, Category 6, the Police Officers' Merit System Protection Commission)

2.6 To set up a committee considering complaints against police officers, in order to be a mechanism for people who lodge complaints on police officers' misconduct, which will relieve the public grievance caused by the acts committed by police officers (Sections 43 to 53, Category 6 of Police-relating Complaint Commission)

2.7 To establish Fund for Criminal Investigation and Inquiry and Crime Prevention and Suppression, as financial source for police officers in performing their duties (Sections 156-161)

3. Restriction of personal rights and liberty

By virtue of the rationale and necessity in restriction of human rights and liberty under this Act, in order to ensure that the human resources management of police officers be in line with the merit system and have preventive measures against any persons abusing their power or committing misconducts, as well as to ensure that police officers behave themselves appropriately in accordance with police honor, ethics and morals, and to be consistent with the national reform scheme under Section 258 (d), justice procedure (4), this Act was therefore promulgated in consistent with the conditions prescribed in Section 26 of the Constitution of the Kingdom of Thailand.

Remark: This explanation was only made for the better understanding on the key issues of this Act. In correctly complying with the law, it is advised to read, understand, examine and be bound by the provisions of law.