

Police Disciplines Act, B.E. 2477 (1934)

Translation

NARISRANUVONGS, REGENT

(Royal Decree, dated 11th January B.E. 2476)

His Majesty King Pok Klao has commanded it be proclaimed that;

Whereas the House of Representatives has given advice to His Majesty the King that it is appropriate to prescribe a law on police disciplines to make such more complete;

His Majesty the King is therefore graciously pleased to enact by and with the advice and consent of the House of Representatives as follows:

CHAPTER 1**GENERAL****Section 1**

This Act is called the "Police Disciplines Act, B.E. 2477 (1934)"

Section 2

This Act shall come into force as and on the date of publication in the Government Gazette.

Section 3

The Regulation on criminal actions for breach of disciplines by police officials, B.E. 2477, and all other laws, rules and regulations insofar as there are prescribed here in this Act or which are contrary to this Act, shall be repealed.

CHAPTER 2**ON DISCIPLINES****Section 4**

Police disciplines are those which the police officials shall have to observe in order to become well conducted officials according to police tradition.

Section 5

Breach of police disciplines shall mean the following actions:

- (1) Obstinacy, disobedience, avoidance or negligence to carry out the order of the legitimate superior.
- (2) Failure to observe the regulation on respect between the superior and the junior.
- (3) Failure to conduct oneself strictly in matter relating to manner and order of the police.
- (4) Creating unity among the police force.
- (5) Being lazy, abandoning or neglecting the official duty.
- (6) Making false statement.
- (7) Using improper manner or conduct.

- (8) Failure to give warning or penalize those under command who are guilty, in accordance with their punishment.
- (9) Taking intoxicating or alcoholic drinks to lose control of oneself or taking drug.
- (10) Being negligence or willfully causing damage to the property of the Government.
- (11) Whether singly or severally attempting or being an accessory to employ the power by any means in manner to command, which is damaging to the discipline of the police force.
- (12) Committing a breach of discipline of the civil servants as prescribed in the Civil Service Disciplines Act currently enforced.

Section 6

The superior shall have the responsibility of keeping disciplines among the police officials under his command with strictness. If in maintaining the police disciplines it is necessary to use arms or weapon for the suppression of the police official who has caused the disorder or to command the police official who has abandoned his duty, the superior and those assisting in such action shall not be penalized for action which has been performed in good faith and necessary as reasonable. But when there is such incident, the superior shall make report to the superior above in respective order to the Minister of Interior as quickly as possible.

Section 7

Any police official who has committed a breach of police discipline shall be penalized according to the methods as appeared under Chapter 3 of this Act.

CHAPTER 3 DISCIPLINARY ACTIONS

Section 8

The penalty to be imposed against offender of the police discipline as mentioned under Chapter 2 are in six steps as follows:

- (1) Probation
- (2) Penalty
- (3) Placed under guard
- (4) Detention
- (5) Imprison
- (6) Penalized under the Civil Service Disciplines Act penalized under any of the above mentioned steps, but there is cause for leniency. This is to display the guilt of that person who is placed on probation.

Penalty is to order to hard labor, sanitary work or any work of the authority in addition to the regular duty which must be performed already or to be penalized to be on guard duty apart from the regular duty.

Placed under guard is to put under solitary confinement or to be detained together several person, as the order may be given.

Detention is to detain in place of detention and the chain may be put on only when the superior from the rank of company commander has ordered, under the following cases:

- (1) When there is reason to believe that the detained person may cause hard to the life of himself or of other.

- (2) When the detained person has shown sign of . being insane of disarrangement in the mind which may be harmful to himself or to other person.
- (3) Where there is reason to believe that the detained person may try to escape from detention.
- (4) When having to take the detained person outside the detention and it is considered suitable to place under chain.
- (5) When it is considered appropriate to use the chain due to the condition of the place of detention or due to the situation.

In such cases, if it is an emergency and the superior from the rank of company commander upwards may or give order in time, the person in charge of the detention at the time may give the order, but the report shall be made to the superior in respective order to the person in authority immediately, and the person in authority may order the stop of such act.

In being detained or imprisoned, the person concerned may be order to hard labor or sanitary work or other work of the authority, but not to exceed 6 hours per day.

In imposing the penalty according to the Civil Service Discipline Act, it means the penalty as prescribed under the law on civil servant discipline, which is applied for the case of dismissal, or release from service or order to leave the service or suspension from the service as the case may be, against the police private or non-commissioned officer who are not service active service under the law on military service, or the clerk, the Director-General or the person authorized by the Director-General from the position of commander or equivalent upwards may give the order, according to the reason as specified in the law under civil service discipline.

Apart from the penalty mentioned under Section8, it is prohibited to impose other type of penalty.

Section 9 Bis*

When it is necessary to detain the person for questioning, the superior shall have the authority to detain those under his command during the questioning for the purpose of penalty, as necessary for the questioning,' but that shall not exceed the power to order the detention of the person who order same and shall not exceed fifteen days. This shall be in accordance with the regulations of the Police Department. The days detained shall be counted in the days ordered for the placing under guard, detention or imprison. If the penalty imposed is other than said penalty and not that of dismissal or release from service, even detention is one day it shall be considered as having received the full penalty.

Section 10

The fact the superior will be imposing penalty against the offender, except that prescribed under the law in the law on civil service discipline, the action may be carried out only as specified in the power to impose penalty in the Table annexed to this Act.

As for the superior of which class shall have the power to impose penalty in which step and against the junior in which class, not stated in the Table of Penalty, it shall be based upon the following principles:

- A. Equivalent to the Police Commander, Police Inspector General.
- B. Equivalent to the Police Assist. Commander, Police Assist. Inspector-General.
- C. Equivalent to Police Commissioner
 1. Secretary to the Department
 2. Chief of Division
 3. Police Officer from the rank of Police Colonel upwards.

- D. Equivalent to Deputy Commissioner
 - 1. Deputy to Secretary to the Department
 - 2. Deputy Chief of Division
 - 3. Police Officer from the rank of Police Lt-Col. upwards
- E. Equivalent to Police Superintendent, Police officer from the rank of Police Major upwards.
- F. Equivalent to Company Commander
 - 1. Chief of Section
 - 2. Inspector
 - 3. Assistant to the Police Commissioner
 - 4. Assistant to the Police Inspector-General
 - 5. Second Class Medical Office
 - 6. Provincial Immigration Officer
 - 7. Police Official at the rank of Police Captain
- G. Equivalent to Patoon Commander
 - 1. Attaching to Section
 - 2. Chief of Police Station
 - 3. Chief of Police Sub-station
 - 4. Deputy Inspector
 - 5. Chief Accountant
 - 6. Supply Officer
 - 7. Personnel Registration Officer
 - 8. Third Class Medical Officer
 - 9. Secretary to Police Commander
 - 10. Assist. Secretary to Police Commander
 - 11. Assist. Secretary to Police Commissioner
 - 12. Assist. Secretary to Police Inspector-General
 - 13. District Immigration Officer
 - 14. Commissioned Police Officer from the rank of not above Pol. Lt.

The person who is in the above positions shall be Commissioned Police Officer.

- H. Equivalent to Squad. Leader
 - 1. Chief of Police Station
 - 2. Chief of Police Sub-station
 - 3. Chief Accountant
 - 4. Supply Officer
 - 5. Assist. Secretary to Police Commander
 - 6. Personnel Registration Officer
 - 7. Immigration Registration Officer
 - 8. Non-com. Nursing Officer

9. Police Cadet Officer

10. District Immigration Officer

The persons who are in above positions, except for 9, shall be police officer at non-commissioned rank.

Section 11

The person who gives out penalty or who receives the penalty for which the official position is not as stated under Section 10, shall be equivocated to the nearest or equal in position as prescribed under Section 10.

The person who gives out the penalty and who receives the penalty, if having the position and rank equivocated in Section 10 or Section 11 differently, shall be considered by the position.

The person acting as, acting for or acting in the position or the person still on probationary rank, in giving the penalty or receiving the penalty, this shall be considered as having been in such position or rank. But the person whose rank is below that of the commissioned officer may not exercise the power of the commissioned officer, even though may be acting for any commissioned position, in giving out the penalty.

Section 12

The power to penalize as prescribed here, the person who has the power to penalize may order the maximum of one count only. If order is given for two counts together, the penalty shall be half of the rate of that count, and penalty may not be imposed for more than two counts.

Section 13

Before the person with power to penalize shall impose the penalty, he shall carefully consider until it is absolutely certain that the person receiving the penalty is truly guilty. Penalty shall not be imposed with emotion or imposed against a person for whom it is not clear that he is truly guilty. After having carefully considered the offence, explanation shall be given to the offender of the offence he has committed under what count and why, then penalty may be imposed.

Section 14

If the person with authority to command has penalized any commissioned officer, the penalty shall be reported up in respective order to the Director- General of the Police Department.

Section 15

When the person with authority to command has learnt that the person who is under is charge has committed an offence, but the offender who should be penalized is above his authority to do so, a report shall be made of the offence of the offender including to submit an opinion as how the penalty should be given, and submit it up in respective order to the person with power to impose the penalty so that the latter may order further action.

Section 16

If the offence has been clearly prescribed by a Ministerial Regulation, such as to be absent from duty without leave, if the penalty is above that the commander may impose, it shall be submitted up in respective order to the person with power to impose the penalty.

Section 17

The police officer who is in charge of the police officer, on official duty, shall have the power to order the penalty to be imposed against those under his command during the time that he is in charge as though he is the person above him by a step, but that shall not exceed the power of the Deputy Director-General.

Section 18

The person who has the power to impose penalty against the offender for imprisonment or detention, and while being penalize the offender has committed the offence again, the person who has the power to impose the penalty may increase the penalty by considering at the origin penalty. It is prohibited to specify the time for imprisonment or detention in excess of the original penalty and the new penalty together which is more than the power to penalize of the person who has the power to impose the penalty. If the offender should be penalized more than the power of the person to order the penalty to be imposed the provision of Section 15 of the Chapter shall be complied with.

Section 19

From the date of the apparent evidence of the offence of the offender who shall be penalized under this Act, by having definite offer for the penalty, if the person with the power to impose the penalty has not carried out action for such person to be penalized within a period of three months, it shall be considered as having passed the time to impose the penalty under this Act, except that the offender shall be absent from service before the expiry of the three months. The period of absent shall not be counted in the period, but to be counted from the time said person has.

Section 20

When the person with the power has ordered penalty under this Act, the person who has ordered the penalty or the person in command above the person who has ordered the penalty, shall have the power to increase or reduce the penalty. But for the case of increasing the penalty, the increased penalty together with the penalty ordered shall not exceed the power of the person who has given the order the latest.

CHAPTER 4 THE COMPLAINT

Section 21

The person under the command may lodge a complaint against his superior when it is seen that the person in command has exercised the power or ordered the penalty wrongly or inappropriately or unjustly or illegally or against the customary action of the police or when he considers that he has not received the interest or right as he should receive in the service. This complaint shall be clear, showing the reasons and submitted properly according to regulations.

Section 22

The police officer may only lodge a complaint only for himself. It is prohibited to lodge a complaint for the other person and if is prohibited to sign the names together or lodge the complaint under several person's names and it is prohibited to meet and consult on the matter to be complained.

Section 23

If is prohibited to complain while in roll call or while performing official duty, such as ob fiord duty,' and it is prohibited to lodge the complaint before twenty hours has lapsed after the cause of complaint has happened.

Section 24

If is prohibited to complain against the superior that he has imposed too strong the penalty, if such penalty does not exceed the power to imposed under Chapter 3 of the Act.

Section 25

If a charge will be made against anyone, the complaint shall be made to the direct superior of that person, which may be made verbally or in writing. If the complaint is made

verbally, the person who receives the complaint shall note down the complaint and have the complainant sign in evidence. If the complainant does not know for definite from whom his cause of complaint derives, he shall make such complaint to his own direct superior in order to submit it up in respective order to the person who may order the investigation and remedy the hardship.

Section 26

If the complaint is made in writing, that letter of complaint shall be

Section 27

When anyone has lodged the complaint under this regulation and the time has lapsed by fifteen days without any explanation and the hardship is not relieved, a new complaint shall be lodged to the superior higher in step, and this new complaint shall also explain that a complaint has been made to the superior in which step and when.

Section 28

When the superior has received the complaint, prompt action shall be carried out to investigate and remedy the hardship or explanation given to the complainant. Matter shall not be ignored. Whoever shall ignore such shall be considered as having committed a breach of police discipline.

Section 29

If the superior who has received the complaint has explained to the complainant and the complainant is still in doubt, such complaint may be lodged to the superior above in the next step in the chain of command, but explanation shall be given that a complaint has been lodged to whom and what explanation has been given.

Section 30

If it is apparent that the subject of complaint is false or that complaint has been made in correct with the regulations stated, the complainant shall be guilty for breaching police discipline.

Section 31

The Minister of Interior shall be in charge and control of this Act.

Ministerial Regulation after having been published in the Government Gazette shall become enforceable.

Countersigned by

Col. Phraya Paholpohpayuhasena

Prime Minister

Given on the 5th October B.E. 2477, being the 10th year of the present Reign.

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