

Martial Law, B.E. 2457 (1914)

As amended by the Announcement of the Revolutionary Council No. 303
Dated 13th December B.E. 2515 (1972)

Translation

Preamble

Phrabat Somdet Phra Paramintharamaha Vajiravudh Phra Mongkut Klao Chaoyuhua is graciously pleased to proclaim that the powers of the military authorities provided in the Martial Law which had been promulgated since the year B.E. 2450 (R.S.126) (1907) are not consistent with the rules of war and not convenient for the preservation of the external or internal security of the State, it is now deemed expedient to amend the Martial Law so that it will be suitable to the present time. It is hereby enacted that the Martial Law, B.E. 2450 (R.S. 126) (1907) shall be repealed and replaced by the Martial Law as prescribed as an Act as follows:

Name of the Act

Section 1

This Act is called the "Martial Law, B.E. 2457 (1914)".

Royal Proclamation

Section 2⁽¹⁾

Whenever there is necessity to preserve good order so as to be free from external or internal danger, a Royal Proclamation may be issued enforcing all or certain Sections of the Martial Law or part of any Section of it including the conditions under which such provision or provisions shall apply to the whole or any part of the Kingdom; and after the proclamation has been made at any time or in any area, all the provisions of any act or law which are inconsistent with the provisions of the Martial Law which is in force shall be suspended and replaced by the provisions of the Martial Law which is in force.

Area under the Martial Law

Section 3

Where the whole of the Kingdom is not area under the Martial Law, such proclamation shall specify specific *Monthon*, *Tambol* or area under the Martial Law.

Power to Proclaim the Martial Law

Section 4

If there is war or insurrection in any area, the commander of military forces at least one battalion, or of any military fort, barracks or forfeited area, which has the power and duty to protect such area, shall have the power to proclaim the Martial Law within his or her responsible area. In this case, the proclamation of the Martial Law shall be reported to the Government immediately.

Proclamation of Repeal

Section 5

The repeal of the Martial Law in any area shall be made by Royal Proclamation.

Military Power under the Martial Law

Section 6⁽²⁾

Within the area under the Martial Law, the military authority shall have superior power over the civil authority in regard to military operation, desistence or suppression, or keeping public order. The civil authority shall act in compliance with the requirements of the military authority.

Section 7⁽³⁾

Within the area under the Martial Law, the Civilian Court still have the power to conduct the trial and to adjudicate the case as usual, except the case under the jurisdiction of the Martial Court. The Military Court may be empowered, by notification of the person having the power to proclaim the Martial Law, to conduct the trial and to adjudicate the criminal case committed within the area and under the period of the Martial Law as prescribed in the Schedule attached to this Act whether all or any clause thereof and/or any part of any clause thereof. Such person shall also have the power to amend or repeal such notification.

The notification empowering the Military Court to conduct the trial and to adjudicate the criminal case under paragraph one shall apply to the criminal case committed after the date and time as prescribed therein which may be the date and time such notification is made or thereafter. Such notification shall be published in the Government Gazette.

In addition to the aforesaid, a criminal case committed within the area under the Martial Law which is related to national security or public order may be tried and adjudicated by the Military Court upon the order of the Supreme Commander.

Section 7 bis⁽⁴⁾

The notification empowering the Military Court to conduct the trial and to adjudicate the criminal case under Section 7 may mention that the Military Court in all or some localities shall have the same or more or less power to conduct the trial and to adjudicate the criminal case as prescribed in that Section.

Section 7 ter⁽⁵⁾

Upon the repeal of the Martial Law, the Military Court still have the power to conduct the trial and to adjudicate the criminal case pending therein as well as criminal case which has not yet been instituted during the period the Martial Law is in force.

Powers of the Military Authority

Section 8

Upon the proclamation of the Martial Law in any *Tambol*, *Muang* or *Monthon*, the military authority shall have full power of search, compulsory requisition, prohibition, seizure, staying in, destruction or alteration of any place and turning out of persons.

Search

Section 9⁽⁶⁾

The powers to make search are as follows:

- (1) to inspect or search things which may be under compulsory requisition or to be prohibited, seized or stayed in, or things which the possession thereof is illegal, including to search the body, vehicle, dwelling place, building or any place and at any time;
- (2) to inspect message, letter, telegraph, package, parcel or other things transmitting within the area under the Martial Law;
- (3) to inspect book, printed matter, newspaper, advertisement, verse or poem.

Compulsory Requisition

Section 10

The powers to make compulsory requisitions are as follows:

- (1) to force labor for supporting military service in relation to Kingdom's defense or for supporting military service in all respects;
- (2) to require from any person or company any conveyance, beast of burden, provisions, arm, instrument and tool for use in military service at that time.

Prohibition

Section 11⁽⁷⁾

The powers to make prohibitions are as follows:

- (1) to prohibit any assembly or meeting;
- (2) to prohibit the issuance, disposal, distribution or dissemination of any book, printed matter, newspaper, advertisement, verse or poem;
- (3) to prohibit any advertising, showing of entertainment or receiving or broadcasting radio or television;
- (4) to prohibit transportation in any public path, whether such public path is on land, in the water, in the air, including railway;
- (5) to prohibit the possession or use of communication devices or weapon, accessories of weapon and chemical product or any other thing which may be harmful to any person, animal, plant or property, or which may be composed to be chemical product or other things of similar character;
- (6) to prohibit persons from staying outside their dwelling places during determined period;
- (7) to prohibit persons from entering into, or living in, any locality which the military authority is of opinion that it is necessary for military operation, desistence or suppression, or keeping public order. After having the prohibition, all persons shall leave from such locality within the period as prescribed therein;
- (8) to prohibit any person from conducting any act or having any prohibited undertaking or thing as determined by the Minister of Defense during the period of the Martial Law.

Seizure

Section 12

The military authority may, if it deems appropriate, cause provisional seizure of all things as mentioned in Section 9, Section 10 and Section 11 so as to prevent the enemy from using them or for the benefit of military service.

Staying In

Section 13

The military authority shall have the power to stay in any place which it is of opinion that such place is useful for military service.

Destruction or Alteration of Any Place

Section 14

The powers to destroy or alter any place are as follows:

- (1) to burn any house or thing which may be useful to the enemy after the retreat or which lies as obstacles to the fight if the battle or the fight is likely to be defeated by the enemy;
- (2) to construct barracks or alter the nature of the country or village or *Muang* for the purpose of the fight or preparation for the defense at the discretion of the military authority.

Turning Out of Persons

Section 15

In case of doubt or necessity, the military authority shall have power to turn out any person who has no fixed place of domicile or who is temporarily residing in the area under the Martial Law.

Section 15 bis⁽⁸⁾

If there is a reasonable ground to suspect that any person is the enemy or violates the provisions of this Act or the order of the military authority, the military authority shall have the power to detain such person for inquiry or for other necessities of the military. Such detention shall not longer than seven days.

Unable to Claim for Compensation or Indemnity for any Damage from the Military Authority

Section 16

No compensation or indemnity for any damage which may result from the exercise of powers of the military authority as prescribed in Sections 8 to Section 15 may be claimed from the military authority by any person or company, because all powers are exercised by the military authority in the execution of this Martial Law with a view to preserving, by military force, the prosperity, freedom, peace and internal or external security for the King, the Nation and the religion.

Delegation of Powers to the Minister in Charge

Section 17

In time of peace, the Minister who has charge and control of the military affairs shall have the power to issue the Ministerial Regulation explaining the provisions of the law for the convenience of its enforcement when the Martial Law will be proclaimed. In time of war or rebellion, the Commander-in-chief or Vice-Commander-in-chief of the army shall have the power to issue rule containing supplementary provisions for the purpose of the Martial Law. Such Ministerial Regulation or rule of the Commander-in-chief or Vice-Commander-in-chief of the army shall be part of this Act upon their official publication.

Given on the 27th Day of August B.E. 2457 (1914), being the 1,386 Days of the Present Reign.

SCHEDULE

Attached to the Martial Law (No. 5), B.E. 2502⁽⁹⁾

A. The criminal cases related to certain persons as follows:

1. the case where a policeman committed Offenses during the performance of duties in the field;
2. the case where an alleged offender is a civilian attached to the military service, irrespective of whether such offense related to official duties and whether such offense committed anywhere within the area under the Martial Law;
3. the case where any person is alleged to commit an offense with another person who is subjected to the jurisdiction of the Military Court or with person under 1 or 2, irrespective of whether such person being principal or supporter;
4. the case where any person who is subjected to the jurisdiction of the Military Court is alleged to commit an offense with another person who is not subjected to the jurisdiction of the Military Court, irrespective of whether such person being principal or supporter.

B. The criminal cases related to specific offenses as follows:

1. offenses under the Military Penal Code;
2. the case with an accusation that there is an offense against property of the Royal Thai Army or that of the ally army of Thailand or an offense against life and body of a member of the Royal Thai Army or that of the ally army of Thailand, during or on account of the performance of duties;
3. offenses under the Penal Code as follows;
 - (1) offenses against the King, the Queen, the Heir Apparent and the Regent, from Section 107 to Section 112;
 - (2) offenses against internal security of the Kingdom, from Section 113 to Section 118;
 - (3) offenses against external security of the Kingdom, from Section 119 to Section 129;
 - (4) offenses against the foreign relations, from Section 130 to Section 135;
 - (5) offenses against officials, Section 137; particularly to offenses related to military service, Section 136, Section 138 to Section 142, Section 145 and Section 146;
 - (6) malfeasance in office, from Section 147 to Section 154, Section 158 to Section 165;
 - (7) offenses against judicial officials, Section 172; particularly to offenses related to military service, Section 170, Section 171, Section 175 to Section 185, Section 189, Section 193, Section 197 and Section 198 where such Court is the Military Court;
 - (8) malfeasance in judicial office, Section 201 and Section 202;
 - (9) offenses relating to public peace, from Section 209 to Section 216;
 - (10) offenses relating to public security, from Section 217 to Section 224, Section 226, Section 228 to Section 232, Section 234, Section 235, Section 237 and Section 238;
 - (11) offenses relating to seals, stamps and tickets, from Section 250 to Section 253, particularly to offenses related to military service;

- (12) offenses relating to documents, from Section 265 to Section 268, particularly to offenses related to military service;
- (13) offenses against property, Section 336, Section 339 and Section 340
4. offenses under the law on military requisition;
5. offenses under the law on military safety zone;
6. offenses under the law on military uniform;
7. offenses under the Military Service Act, B.E. 2497 (1954), from Sections 45 to Section 49;
8. offenses under the law on opium;
9. offenses under the law on narcotic.
10. offenses under the law on prevention of communist.

Amendment

- (1) As amended by the Emergency Decree Amending the Martial Law, B.E. 2457, B.E. 2485 (1942)
- (2) As amended by the Announcement of the Revolutionary Council No. 303 dated 13th December B.E. 2515 (1972)
- (3) As amended by the Announcement of the Revolutionary Council No. 303 dated 13th December B.E. 2515 (1972)
- (4) As added by the Martial Law (No. 3), B.E. 2487 (1944)
- (5) As added by the Martial Law (No. 3), B.E. 2487 (1944)
- (6) As amended by the Announcement of the Revolutionary Council No. 303 dated 13th December B.E. 2515 (1972)
- (7) As amended by the Announcement of the Revolutionary Council No. 303 dated 13th December B.E. 2515 (1972)
- (8) As amended by the Announcement of the Revolutionary Council No. 303 dated 13th December B.E. 2515 (1972)
- (9) As amended by the Martial Law (No.5), B.E. 2502 (1959)

Disclaimer

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