

## **National Justice Administration Development Act, B.E. 2549 (2006)**

**Translation**

Bhumibol Adulyadej, Rex

Given on the 3rd day of March B.E. 2549

Being the 61st year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that,

Whereas it is deemed expedient to have a law on national justice administration development;

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the Parliament, as follows:

### **Section 1**

This Act shall be called the "National Justice Administration Development Act, B.E. 2549 (2006)"

### **Section 2**

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

### **Section 3**

In this Act:

"Justice Administration" means practices and operations concerning the provision of justice; the prevention and solving of crime; safeguarding security of life and property; the protection of the rights and liberties of the people; the enforcement of the law; and assistance for people in their encounters with the justice system, with the exception of the independent authority of the Court in the trial and adjudication, as well as the operation of other independent agencies in accordance with the Constitution;

"Commission" means the National Commission for Justice Administration Development:

"Office" means the Office of Justice Affairs;

"Minister" means the Minister in charge of this Act.

### **Section 4**

Implementation of this Act shall not prejudice the independent authority and the administration of the Court or other independent agencies in accordance with the Constitution, or the exercise of power in accordance with the law by agencies concerned.

### **Section 5**

The Minister of Justice shall be in charge of this Act.

## **Chapter 1**

### **National Commission for Justice Administration Development**

### **Section 6**

There shall be a National Commission for Justice Administration Development, comprised of the Prime Minister, or the Minister entrusted by the Prime Minister, as the Chairperson; the Minister of Justice as the Vice-chairperson; the Permanent Secretary for Finance, the

Permanent Secretary for the Interior; the Permanent Secretary for Justice; the Permanent Secretary for Information and Communication Technology; the Attorney General; the Judge Advocate General; the Police Commissioner-General; the Secretary-General of the Office of the Council of State; the Secretary-General of the National Counter Corruption Commission; the Secretary-General of the Anti-Money Laundering Office; the Secretary-General of the Office of the Narcotics Control Board; the Secretary-General of the Office of the National Economic and Social Development Board; the Secretary-General to the Prime Minister; the Secretary-General of the Administrative Court; the Secretary-General of the Office of the Judiciary; the Secretary-General of the Thai Bar; the President of the Lawyers' Council of Thailand; a Dean of the Faculty of Law, or equivalent, of all State higher education institutions being elected among themselves to be one in number; a Dean of the Faculty of Law, or equivalent, of all private higher education institutions being elected among themselves to be one in number; a representative of the Ministry of Justice; a representative of the Civil Service Commission; a representative of the Bureau of the Budget; and three qualified persons appointed by the Cabinet as members.

The Director-General of the Office of Justice Affairs shall be the secretary.

The Commission shall appoint no more than two government officials from the Ministry of Justice as assistant secretaries.

### **Section 7**

Qualified members, according to Section 6, must be selected from among persons with knowledge, expertise, or experience in the fields of criminology, sociology, psychology, economics, information technology, law, or other fields relevant to the development of the national justice system.

A qualified member shall hold a position for a term of four years. Upon vacating a position, a member may be re-appointed, but for no more than two consecutive terms.

During the time prior to the appointment of qualified members, the Commission shall consist of the existing members.

### **Section 8**

Each qualified member must conform to the following qualifications and prohibitions:

- (1) be of Thai nationality;
- (2) be not less than thirty-five year of age;
- (3) not be a political official; a member of a local assembly or local administrator; a committee member or holder of other managerial position in a political party; a member or officer of a political party;
- (4) not be a government official holding a permanent position or receiving a salary, with the exception of a government official or employee holding the post of university lecturer;
- (5) not be an incompetent or quasi-incompetent person;
- (6) not be a bankrupt person;
- (7) never have been sentenced to imprisonment by a final judgment, whether executed or not, except where an offence was committed through negligence or was a petty case.

### **Section 9**

Other than retirement on the expiration of the term under Section 7, a qualified member shall be discharged from the position upon:

- (1) death;
- (2) resignation;

- (3) lack of qualifications or falling under any of the prohibitions as prescribed in Section 8;
- (4) being removed by the Cabinet.

In the case where a member is discharged prior to the expiration of term, the Cabinet may appoint another person to fill the position. A member appointed to fill such a vacant position shall remain in office for the remaining term of the replaced member.

### **Section 10**

The Commission shall have the following authorities and duties:

- (1) To draft the Master Plan for National Justice Administration and the Master Plan for Justice Information Technology for submission to the Cabinet;
- (2) To make recommendations or pass opinions to the Cabinet to institute policies and guidelines for the administration of justice;
- (3) To consider and pass opinions on matters concerning justice administration at the request of the Cabinet;
- (4) To coordinate between State agencies or organizations related to justice administration, or to report to the Cabinet to initiate coordination between such agencies and organizations, in order to surmount obstacles in the administration of justice; to promote cooperation in justice administration; and to implement the Master Plan for National Justice Administration and the Master Plan for Justice Information Technology;
- (5) To study, analyze, and evaluate the enforcement of laws or practices in compliance with the Master Plan for National Justice Administration, in order to surmount problems and obstacles that arise;
- (6) To study, analyze, and research in order to effectively and successfully institute guidelines, strategies, measures for improving and developing justice administration, or methods for implementing the Master Plan for National Justice Administration; and also to make suggestions appertaining to justice administration to the Cabinet, State agencies, or organizations;
- (7) To promote and disseminate knowledge on justice administration; to host meetings, seminars, and training programs; or to make proposals to State agencies, or organizations related to justice administration for their consideration;
- (8) To supervise the preparation of the Office's annual report as prescribed by Section 16 (6) for submission to the Cabinet;
- (9) To institute regulations for implementation in compliance with this Act;
- (10) To carry out any other actions in compliance with this Act or other laws.

### **Section 11**

The Commission may set up rules and regulations for the Commission's meetings, either specifically or generally. Unless otherwise provided for by the said rules or regulations, the Commission's meetings shall be conducted pursuant to the Commission's resolution.

In the case of a member proposing a matter for the Commission's consideration, the Commission shall forthwith convene a meeting to consider such a matter.

### **Section 12**

To be a quorum, the Commission's meeting shall consist of no less than one-half of the total number of members.

At the Commission's meeting, if the Chairperson and Vice-chairperson do not attend or are not present, the Commission shall select one member to act as the chairperson of the meeting.

A decision shall be made by a majority of votes. Each member shall have one vote. In the case of an equal number of votes, the chairperson shall have an additional vote as a casting vote.

### **Section 13**

The Commission may appoint a sub-committee or working-group to consider or perform any act as entrusted by the Commission.

For the convening of a sub-committee or working-group under Paragraph 1, the provisions of Section 11 shall be applied *mutatis mutandis*.

### **Section 14**

In performing its duty, the Commission, its sub-committee(s), or its working-group(s) may request State agencies, organizations related to justice administration, or government officials to submit documents, information, and factual statements to be taken into consideration as necessary.

### **Section 15**

The members of the Commission, sub-committee members, working-group members, the secretary and assistant secretaries shall receive remuneration as prescribed by the Cabinet.

## **Chapter 2** **Office of Justice Affairs**

### **Section 16**

The Office of Justice Affairs, Ministry of Justice, shall take responsibility as the Secretariat of the Commission. The Office shall have duties and authority specified by law and, in addition, the following duties and responsibilities:

- (1) To examine, study, analyze, research, make proposals and develop the justice system together with national justice administration policies appropriate for the economic and social development of the nation;
- (2) To draft plans, policies and methods for the national administration of justice, together with preparing other reports pursuant to the Commission's resolution, or providing information and opinions to the Commission for consideration;
- (3) To coordinate the use of information technology in the justice system, and disseminate information concerning the justice system to the public;
- (4) To train and develop knowledge of justice administration among those concerned;
- (5) To cooperate and coordinate with agencies and organizations concerned with justice administration on academic and other matters, both domestic and overseas;
- (6) To prepare annual reports on the performance of the Commission for submission to the Cabinet;
- (7) To perform any other duties as specified by law, or as entrusted by the Commission.

### **Section 17**

In the interests of the administration of the Office, the Prime Minister may order government officials, or employees from other government organizations concerned, or the Office may request to the Cabinet to order government employees or employees from public enterprises or other State agencies to assist as personnel of the Office. Such

assistance shall be recognized as the normal performance of their official duties, or duties at their own office, whether full-time, part-time, or overtime.

The Cabinet may prescribe remuneration for such personnel under Paragraph 1.

### **Chapter 3**

#### **Cooperation on the Development of Justice Administration**

##### **Section 18**

For the benefit of integrating plans and methods for national justice administration and the effective provision of justice to the people, together with the efficient use of resources, the Commission shall draft the Master Plan for National Justice Administration to act as a directive on matters of justice administration for cooperation between State agencies and organizations related to justice administration.

The Master Plan for National Justice Administration shall be a four-year plan, prescribing the direction for the administration of justice with the following key elements:

- (1) Coordination of directives for justice administration between State agencies and organizations concerned with justice administration for total integration, in response to social conditions and national development in various fields;
- (2) Measures for preventing and solving problems arising in national justice administration;
- (3) Guidelines for developing justice administration, with the aim of solving a range of national problems;
- (4) Directives for cooperation on the effective administration of justice and the provision of justice to the people;
- (5) Cooperation in the use of information technology in the justice system for the effective sharing of resources in the administration of justice;
- (6) Carrying out other actions for the benefit of justice administration.

##### **Section 19**

Drafting of the Master Plan for National Justice Administration shall be conducted under the provisions in Section 4, and shall not run contrary to the provisions of the Constitution and be in accordance with independent administrative court law, court organs and other agencies that are independent in accordance with the Constitution.

In the case where the Court, its organs, or other agencies independent in accordance with the Constitution are of the opinion that a provision in the Master Plan appears to have a content that might be contrary to Paragraph 1, the Commission shall take this into consideration and adjust the Master Plan in accordance with such an opinion.

Also, in drafting the Master Plan for National Justice Administration, the Commission shall take into consideration opinions and the participation of the public.

##### **Section 20**

The Commission shall introduce the Master Plan for National Justice Administration to the Cabinet for approval. The Master Plan shall come into force after the date of its publication in the Government Gazette.

When the Master Plan for Justice Administration has come into force, State agencies and organizations related to justice administration shall consider performing activities in accordance with their duties and in compliance with the Master Plan for National Justice Administration. Related bodies shall have a budget allocation to support the performance of such activities.

If there is a change in circumstances during the effective period of the Master Plan for National Justice Administration, the Commission shall adjust the Master Plan for National Justice Administration as appropriate for such circumstances, submit the modifications for Cabinet approval, and publish them in the Government Gazette thereafter.

### **Section 21**

The Commission shall be responsible for evaluating the outcome of the implementation of the Master Plan for National Justice Administration, and report to the Cabinet annually. In the event of problems obstructing the implementation, the Commission shall report to the Cabinet concerning such difficulties along with their solutions.

In the case of a State agency or organization concerned with justice administration being unable to perform in compliance with the Master Plan for National Justice Administration, such an agency or organization shall report thus to the Commission for its consideration. And the Commission shall propose to the Cabinet adjustments of the Master Plan or possible solutions for such an agency or organization.

Countersigned by

Pol. Lieut. Col. Thaksin Shinawatra

Prime Minister

**Note:** The rationale for the promulgation of the Act is as follows: The justice system is crucial for the establishment of peace and social well-being. This includes the prevention and solving of crime; the safeguarding of life; the protection of people's rights and liberties; the enforcement of laws; and assistance for people in their encounters with the justice system. At present, individual agencies and organizations responsible for different tasks work separately. Difficulties encountered in dealing with problems mainly arise due to the lack of systematic networking in the justice administration system. Thus, in order to initiate unified national justice administration, as well as stimulate systematic development resulting in the effective provision of justice in response to social needs, it is appropriate to promote cooperation between related bodies with different legal expertise to work together in planning the administration of justice and eliminating obstacles arising in the justice system. Moreover, this will act as a directive for the development of the justice system for the benefit of the nation. It is, therefore, necessary to promulgate this Act.

### **Disclaimer**

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