

King Prajadhipok's Institute Act, B.E. 2541 (1998)**Translation**

BHUMIBOL ADULYADEJ, REX.

Give on the 30th Day of August B.E. 2541

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on the King Prajadhipok's Institute;
It is, therefore, enacted by the king, with the advice and consent of the National Assembly,
as follows:

Section 1

This Act shall be called the "King Prajadhipok's Institute Act, B.E. 2541 (1998)"

Section 2

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

Section 3

Definitions:

"development of democracy" shall include the research and collection of information on Democracy and Constitutional Monarchies. It shall also include the promotion, dissemination and education of democratic ideals among the general population.

"Institute" shall mean the King Prajadhipok's Institute;

"Institute Council" shall mean the King Prajadhipok's Institute Council;

"Fund" shall mean the Fund for the Development and Dissemination of Democracy;

"Committee member" shall mean the member of the Committee of the King Prajadhipok's Institute;

"Secretary-General" shall mean the Secretary-General of King Prajadhipok's Institute;

"Official" means an official of the King Prajadhipok's Institute;

"Employee" means an employee of the King Prajadhipok's Institute.

Section 4

The President of the National Assembly shall have charge and control of the execution of this Act.

CHAPTER I**Establishment, Objectives, Powers and Duties of the Institute****Section 5**

There shall be established an Institute called the "King Prajadhipok's Institute" a juristic person under the supervision of the President of the National Assembly. The activities of the Institute shall not be subject to the following laws: labor protection, labor relations, social security and the workers' compensation. However, the Secretary-General, Deputy Secretary-General, all officials and employees of the Institute shall receive remuneration and other benefits not less than those provided under the laws thereof.

The Institute shall be a State agency which is neither a Government agency under the law on the administration of the parliamentary services nor a State enterprise under the law on budget is procedure and any other laws.

Section 6

The Institute shall have the following objectives:

- (1) to conduct academic analysis to provide guidelines for the systematic development of democracy;
- (2) to coordinate with other agencies on the policy of the development of democracy;
- (3) to research and support research for the development of democracy;
- (4) to disseminate and support those the promotion of democracy under the Constitution of the Kingdom of Thailand;
- (5) to provide and promote education for personnel in the public, and private sectors, and the general public concerning politics, public administration, and economic and social status under the democratic regime;
- (6) to provide information on academic knowledge and the result of research on politics of the democratic regime;
- (7) to promote cooperation with both domestic and international organizations in all affairs related to the development of democracy;
- (8) to support academic work of the National Assembly;
- (9) to administer the Fund under this Act;
- (10) to carry out other matters which the law has prescribed to be the duties of the Institute or which the Institute council has prescribed.

Section 7

The Institute shall have the powers to carry out the affairs within the scope of its object under Section 6 and such powers shall include the following:

- (1) to hold ownership, possessory right or jus in rem, construct, purchase, hire, contract, procure, or to carry out other operations related to the properties located within or outside the Kingdom including all properties donated to the Institute;
- (2) to award diplomas or certificates to those who have completed the curriculum of any course of the Institute;
- (3) to make agreements and cooperate with domestic or international organizations in all affairs related to the development of democracy;
- (4) to provide for and grant scholarships in order to promote the development of democracy;
- (5) to hire or entrust any other person to perform some activities of the Institute;
- (6) to administer the fund in accordance with the laws and regulations prescribed by the Institute Council;
- (7) to carry out any other activities for the achievement of the objectives of the Institute.

CHAPTER II

The Institute Council and the Secretary-General

Section 8

There shall be the King Prajadhipok's Institute Council, which consisting of:

- (1) The President of the National Assembly as the Chairman of the Institute Council;
- (2) Vice-President of the National Assembly as Vice-Chairman of the Institute Council;
- (3) Ex officio members, i.e. the Leader of the Opposition in the House of Representatives, the Director of the Budget Bureau, the Secretary-General of the House of Representatives and the Secretary-General of the Senate;
- (4) Two members elected from Chairmen of standing committees of the House of Representatives and one member elected from Chairmen of standing committees of the Senate;
- (5) Eleven other qualified members appointed by the King upon the recommendation of the Chairman, Vice-Chairman of the Institute Council and members of the Institute Council under sub-Sections (3) and (4) and;
- (6) The Secretary-General as member and secretary of the Institute Council.

Rules and procedure for the election of members of the Institute Council under sub-Section (4), and the qualifications of those under sub-Section (5) shall be in accordance with the regulations of the Institute.

Section 9

The Institute Council shall have the powers and duties to control and supervise all activities of the Institute, and especially the following areas;

- (1) to lay down policies and supervise the operation of the Institute;
- (2) to lay down policies and supervise the management of the Fund, as well as to consider the allocation of fund for the Institute's affairs;
- (3) to approve the master plan and operation plan of the Institute;
- (4) to issue regulations on the allocation of responsibilities and administration of the Institute;
- (5) to issue regulations and lay down rules related to finance and properties of the Institute;
- (6) to approve the expenditures of the Institute;
- (7) to approve the award of certificates and diplomas to those who have completed the curriculum of any course of the Institute;
- (8) to issue regulations on personal management of the Institute related to the prescription of position, salary rate, wages, remuneration, welfare and other benefits, placement, appointment, approval of salary or wages, retirement, discipline, punishment, petition, and appeal against punishment of officials and employees;
- (9) to issue regulations on the qualifications, rules and procedure of selecting the Secretary-General, the conduct of his or her performance and the entrustment to other person to act ad interim or on behalf of the Secretary-General;
- (10) to appoint and dismiss the Secretary-General and Deputy Secretary-General;
- (11) to perform any other activities as prescribed by law to be the powers and duties of the Institute.

Section 10

Qualified member shall hold office for a term of four years.

In the case where a qualified member vacates office before the expiration of his or her term, other person appointed to replace him or her shall hold office for the remaining term of the person he or she replaces.

A qualified member who vacates office upon the expiration of his or her term may be re-appointed but may not hold office for more than two consecutive terms.

In the case where a qualified member vacates office upon the expiration of his or her term and the King has not appointed a new qualified member, the outgoing qualified member shall continue to perform his or her duty until the new qualified member is appointed by the King.

Section 11

In addition to vacating office at the expiration of term under Section 10, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent or quasi-incompetent person;
- (5) being sentenced by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence.

Section 12

At a meeting of the Institute Council, the presence of not less than one-half of the total number of members is required to constitute a quorum.

At a meeting of the Institute, if the Chairman is not or is unable to perform his or her duty, the Vice-Chairman shall preside over the meeting. If the Chairman and the Vice-Chairman do not attend or are unable to perform their duties, the members present shall elect one among themselves to preside over the meeting.

The resolution of the meeting shall be decided by a majority of votes.

Each member shall have one vote. In case of a tie in votes, the Chairman of the meeting shall have an additional vote as the deciding vote.

Any proceeding related to the meeting which is not specified in this Section shall be in accordance with the regulations of the Institute Council.

Section 13

The Institute Council shall have the power to appoint a committee or sub-committee for considering or operating other affairs in accordance with the entrustment of the Institute Council.

The provisions of Section 12 shall apply mutatis mutandis to the meeting of the committee of sub-committee.

Section 14

The President and Vice-President of the Institute Council, member of the Institute Council, the committee or sub-committee under Section 13 shall receive meeting allowances or any other remuneration in accordance with the regulations prescribed by the Institute Council.

Section 15

There shall be a Secretary-General of the Institute responsible for the administrative works of the Institute and there may be one or more Deputy Secretaries-General as prescribed by the Institute Council to perform duties as entrusted by the Secretary-General.

Qualifications and procedure for the appointment and dismissal of the Secretary-General and Deputy Secretary-General shall be in accordance with the regulations of the Institute Council.

The Deputy Secretary-General shall vacate office upon the vacation of the Secretary-General.

Section 16

The Secretary-General shall hold office for a term of four years and may be re-appointed, but may not hold office for more than two consecutive terms.

Section 17

The Secretary-General shall have the following powers and duties:

- (1) to administer the Institute affairs in accordance with the objectives and policies of the Institute Council;
- (2) to direct all officials and employees of the Institute;
- (3) to recruit, appoint, promote, reduce or deduct salary or wages, discipline or dismiss an official and employee under the regulations prescribed by the Institute Council;
- (4) to lay down rules on the conduct of work of the Institute, provided that It shall not be contradictory to or inconsistent with the regulations, rules or resolutions of the Institute Council;
- (5) to represent the Institute in respect to its external relations and to that end, he or she may delegate his or her authority to any official to perform any specific activity on his or her behalf, however, it must not be contrary to the rules prescribed by the Institute Council.

Section 18

The rates of salaries of the Secretary-General and Deputy Secretary-General shall be determined by the Institute Council.

Section 19

There shall be an Administrative Board of the Institute consisting of the Secretary-General as the Chairman and other member of not less than four but not more than seven in number appointed by the Institute Council with the recommendation of the Secretary-General.

The Administrative board of the Institute shall have the powers and duties to control and supervise the conduct of work of the Institute and the projects approved or entrusted by the Institute Council.

The Administrative Board of the Institute shall vacate office upon the vacation of the Secretary-General, and the provisions of Section 16 shall apply mutatis mutandis.

CHAPTER III

Fund

Section 20

There shall be established a fund of the Institute called the "Fund for the Development and Propagation of Democracy", which will be a revolving capital fund to finance the operation of the Institute, consisting of:

- (1) An initial fund allocated by the government;
- (2) A subsidies allocated from the State budget;
- (3) A grant from abroad including that from international organizations;
- (4) Money or properties donated to the Fund;
- (5) Interest or other income;
- (6) Other money and other properties fallen into the ownership of Fund.

The Government shall allocate the initial fund under (1) and the subsidies under (2) directly to the Institute in a sufficient amount for necessary expenses for the accomplishment of the objectives of the Institute.

Section 21

Income derived from the Fund under Section 20 and other income of the Institute shall be transferred to the Fund without being remitted to the Ministry of Finance under the law on treasury reserves and the law on budgetary measures.

Section 22

The Institute shall hold ownership of property, which is donated to it or which it acquires or exchanges for its properties.

Section 23

Properties of the Institute shall not be subject to the execution of judgments, and any person cannot set up prescription as a defense to the Institute with regard to its Property.

CHAPTER IV

Account and Audit

Section 24

The Institute shall set up and maintain an appropriate accounting system in accordance with the categories of the main work and shall keep books of accounts with entries of receipts, expenditure, assets and liabilities which shall represent the actual and appropriate conditions of work in accordance with their categories together with the particulars which are the sources of such entries. There shall be internal audit of accounts at regular intervals.

Section 25

The Institute shall prepare and submit to the auditor a balance sheet and receipts and payments account within ninety days after the end of the fiscal year.

Section 26

The Institute shall submit an annual report to the Institute Council for resubmitting to the President of the National Assembly. Such annual report must show the balance and the receipts and payments account which has been audited by the auditor together with the report of such auditor and the report of the Institute's achievement for the preceding year.

The President of the National Assembly shall submit the annual report under paragraph one to the National Assembly for acknowledgment.

CHAPTER V

Monitor, Examination and Evaluation

Section 27

There shall be a Committee to monitor and evaluate the performance of the Institute consisting of a Chairman and other members of not less than two but not more than four in number appointed by the President of the National Assembly with the approval of the Institute Council.

The Provisions of Section 10, Section 11, Section 12, Section 13 and Section 14 shall apply *mutates mutandis*.

Section 28

The Committee to monitor and evaluate of the performance of the Institute shall have the following powers and duties:

- (1) to monitor, examine and evaluate all works of the Institute and of the Secretary-General by listening broadly to all opinions concerning the performance of the Institute;
- (2) to report the result of such monitoring and examination of works of the Institute and of the Secretary-General to the Chairman of the Institute Council every six months;
- (3) to annually evaluate the achievements of the Institute and report such evaluation to the Chairman of the Institute Council.

Transitory Provision

Section 29

There shall transferred to the Institute all powers and duties, activities, assets, rights, liabilities, including budgets of the Office of the Secretariat of the House of Representatives, only which are related to the King Prajadhipok's Institute, and the Museum of the National Assembly, only which are related to the King Prajadhipok's Museum, which are actually existing on the date this Act comes into force.

Section 30

Any parliamentary official or employee of the of the Secretariat of the House of Representatives and of the Secretariat of the Senate, if, intentionally requests to be transferred to work as an official or employee of the Institute, he or she must submit notification of his or her intention in writing to a superior who has authority to recruit and appoint, within ninety days as of the date on this Act come into force, shall be transferred to be the official of employee of the Institute, in accordance with an agreement between the President of the National Assembly and the Institute.

The parliamentary official or employee transferred to the institute, as the case may be, shall receive salary or wages including other rights and remuneration equal to the amount formerly received until he or she is duly placed and appointed to hold office in the Institute. However, the Institute shall not appoint such person to receive salary lower than the amount formerly received. The salary or wages including other rights or remuneration to receive later shall be in accordance with the regulations of the Institute, but it shall not be less than those provided by the law on officials of State enterprises.

Section 31

The transfer of official under Section 30 shall be deemed that such official retires from his or her office because of the dissolution of his or her position. He or she shall be entitled to receive gratuity or pension under the law on gratuities and pensions or the law on the gratuities and pensions fund for Government officials, as the case may be.

The transfer of an employee under this Section shall be deemed that such employee retires from his or her office because of the dissolution of his or her position without guilt and he or she shall be entitled to receive gratuity under the rule of the Ministry of Finance on gratuities for employee.

For the purpose of counting a working period for calculating the total amount of gratuities or pensions under the regulations of the Institute, any official or employee transferred under Section 30 who intends to collect his or her official working hour or working hour while being a parliamentary official or an employee before the transfer as working hour of such official or employee of the Institute, as the case may be, shall have the right to do as such by indication his or her intention of not receiving gratuity or pension.

The intention of not receiving any gratuity or pension under paragraph three shall be done within ninety days as from the date of the transfer. In the case of an official, the law on gratuities and pensions shall apply. In the case of an employee, he or she must express his or her intention in writing with signature as evidence and then submit it to the Secretariat of the House of Representatives or the Secretariat of the Senate, as the case may be, for further submission to the Ministry of Finance.

Countersigned by
Mr.Chuan Leekpai
Prime Minister

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