

Unofficial Translation*

TRAINING AND DISCIPLINING A CERTAIN TYPE OF CHILD ACT,
B.E. 2479 (1936)**

In the Name of His Majesty King Ananda Mahidol,
The Council of Regency,
(By the Notification of the President of the House of Representatives
Dated 20th August B.E. 2478)
Chao Phraya Yommaraj;
General Chao Phraya Bhijyentr-yothin.
Given on the 20th Day of April B.E. 2480;
Being the 4th Year of the Present Reign.

The National Assembly has passed a resolution in favour of having a law on the training and disciplining of a certain type of child according to the appropriate time period.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the “Training and Disciplining a Certain Type of Child Act, B.E. 2479 (1936)”

*Translated by Siam City Law Offices Limited under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

**As amended up to the Training and Disciplining a certain type of Child Act (No. 2) B.E. 2501 (1958)

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Section 2¹. This Act shall come into force as from the date of its publication in the Government Gazette.

Section 3. All other laws, rules and by-laws in so far as they have already been provided herein, or are contrary to or inconsistent with the provisions of this Act shall be repealed.

Section 4. In this Act,

“Child” means the child who will be trained and disciplined under this Act.

“Minister” means the Minister having charge and control of the execution of this Act.

“Director-General”² means the Director-General of the Department of Social Development and Welfare*.

Section 5. The Child who will be trained and disciplined under this Act includes:

1. The Child who the Court has ordered to be placed in a reformatory according to the criminal law provisions or according to other legal provisions;
2. The Child who the Court has ordered to be placed in a vocational training school according to section 53 of the Primary Education Act B.E. 2478 (1935);
3. The Child who the Court has ordered to be placed in the training and disciplinary facility which is established pursuant to this Act.

¹ Published in the Government Gazette, Vol. 54, - , Page 204, dated 26 April B.E. 2480.

² Section 4’s definition of “Director-General” has been amended by the Training and Disciplining a Certain Type of Child Act (No. 2), B.E. 2501 (1958).

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Section 6. The Minister has the power to establish training and disciplinary facility to provide training on morality, ethics, and general knowledge subjects, profession, work, industry, agriculture, commerce, as appropriate.

Section 7. The training and disciplining shall take into account the nature and habit of the Child and shall attempt to hold such training and disciplining in an appropriate manner which will facilitate the best interest of the Child in his or her future life and the community.

Section 8. The Minister has the power to separate the category and level of the Child and ensures that the Child in a different category and a different level be treated and receiving benefits differently.

Section 9. The Child with diligence, behavior and advancement in the subject or work may receive one or many of these following benefits:

1. advance his or her category or level;
2. be assigned with the duty to assist an official;
3. receive profits sharing;
4. be entrusted to depart the area of the training and disciplinary facility alone;
5. be entrusted to live outside the area of the training and disciplinary facility;
6. receive rules relaxation from the control of the training and disciplinary facility under the conditions prescribed by the Minister.

Section 10. The Child shall be orderly and act according to the rules, regulations and order which have been established for such training and disciplining.

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The Child who does not comply with the first paragraph is considered as disorderly.

Section 11. The Child who is disorderly may be penalised with any, one or many penalties as follows:

1. suspension;
2. verbal disciplining;
3. excess work or overtime work;
4. revocation of the advancement or reduction of the category or level;
5. removal from the position of official's assistant;
6. revocation or reduction of the profit sharing;
7. be distrusted;
8. be caned with a stick of not exceeding 10 times.

In case of any wrongdoing and conditions which shall be penalised, regarding penalties number 7 and 8, the size and type of the stick shall be prescribed in the Ministerial Regulations.

Section 12. Under this Act, the Director-General has the power to issue the regulations, rules and methods to provide Child's training and disciplining.

Section 13. Upon the opinion that the Child shall be placed in the private sector's office, or within the private sector's care which would provide greater benefits to the Child's future, the Director-General has the power to act on such matter.

In assigning the Child to be placed in the private sector's office, or within the private sector's care, the Director-General may set the conditions and may request that the recipient of the Child enters into an agreement with security as a deposit, or without security as a deposit, as considered appropriate.

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Section 14. There shall be an opportunity available for the Child to file a complaint or explain his or her distresses as appropriate.

Section 15. There shall be an opportunity available to the Child for visits and contacts from external person as appropriate.

Section 16. In every year, the Child shall receive a general health check-up from a physician.

The ill Child shall receive medical treatment as appropriate and if necessary, the Director-General has the power to send such Child for medical treatment outside the training and disciplinary facility.

Section 17. Usually in every day, the Child cannot work and study more than ten hours.

Section 18. Upon his or her release, the Child shall receive:

1. clearance certificate;
2. training and disciplining results letter;
3. a set of clothing, if the Child has none.

Section 19. Upon his or her release, if it appears that the Child becomes extremely ill or has no place to live or has no way to make a living, the Director-General may allow such Child to remain in the training and disciplinary facility, but such Child shall comply with the conditions of stay in order to continue his or her stay.

Apart from the extreme illness case, the Director-General may not allow a Child to remain in the training and disciplinary facility when he or she is over 20 years of age.

Section 20. Pursuant to the provision of this Act, the Minister may provide the Child welfare for the released Child.

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The Child who receives welfare according to the first paragraph shall be subject to the regulations, rules, directions and conditions of such welfare.

Section 21. Regarding the Child who has been entrusted or received leniency to leave the premise of the training and disciplinary facility, if such Child has breached the discipline or the prescribed condition, the official may send such Child to the training and disciplinary facility without having to issue a writ or obtain any Court's order in a proceeding.

Section 22. If the Child has committed a criminal offence within the premise of the training and disciplinary facility and such wrongdoing is only a petty offence or on the ground of bringing a prohibited item into the premise of the training and disciplinary facility or an assault against the property of the training and disciplinary facility or on the ground of attempt escape, instead of pursuing such matter under the Criminal Procedure Code, the Director-General has the power to issue punishment for breach of discipline under this Act.

This section's provision does not eradicate the right of the private sector to file a complaint as a plaintiff in a criminal case or a civil case as prescribed in the Criminal Procedure Code.

Section 23. Regarding the Child who escapes from the control of the official of the training and disciplinary facility or the official, the Court may order increased training and disciplinary time as considered appropriate instead of imposing criminal punishment, but he or she shall not be more than 20 years of age.

In case the Child has committed a wrongdoing under the first paragraph when he or she is 18 years of age during such escape, and it appears that there was a previous escape, he or she shall have committed the offence of escaping detention.

Section 24. Any person who assists or aids the Child to escape in any manner, as prescribed in the previous paragraph, shall have committed a wrongdoing and

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shall receive a punishment of fines not exceeding two hundred baht or imprisonment of not exceeding six months or both fines and imprisonment.

In case the wrongdoer is an official who has duties in relation to the training and disciplinary facility or is an official who is under the Department of Social Development and Welfare*, such punishment shall double.³

Section 25. The Child who has been released and has repeated a criminal act, if the Court has ordered a placement in the training and disciplinary facility for the latter wrongdoing, the training and disciplinary time shall double, but he or she shall not be more than 20 years of age.

Section 26. It shall be prescribed in the Ministerial Regulations that certain assets shall not be brought into or stored in the training and disciplinary facility.

Section 27. Any person who has entered into the training and disciplinary facility without permission from the official or receives from or delivers to the Child, brought into or taken away from the training and disciplinary facility, money or prohibited items in any way which violates the rules and regulation or code of the training and disciplinary facility, such person shall have committed a wrongdoing and shall receive a punishment of fines not exceeding five hundred baht or imprisonment of not exceeding one year or both fines and imprisonment.

In case the wrongdoer is an official who has duties in relation to the training and disciplinary facility or is an official who is under the Department of Social Development and Welfare*, such punishment shall double.⁴

³ Section 24 second paragraph has been amended by the Training and Disciplining a Certain Type of Child Act (No. 2), B.E. 2501 (1958).

⁴ Section 27 second paragraph has been amended by the Training and Disciplining a Certain Type of Child Act (No. 2), B.E. 2501 (1958).

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The money or prohibited items which have been brought into the training and disciplinary facility in violation of this section shall belong to the State.

Section 28. The Minister of Social Development and Human Security* shall have charge and control of the execution of this Act and shall have the power to appoint and remove official and issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned by

(In accordance with the National Assembly's resolution)

Pibulsongkram

Minister

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Training and Disciplining a Certain Type of Child Act (No. 2), B.E. 2501 (1958).⁵

Section 6. The training and disciplinary of a Child under the Training and Disciplining a Certain Type of Child Act, B.E. 2479 (1936) which the Department of Corrections conducted during this Act's effectiveness, shall be transferred to the powers and duties of the Department of Social Welfare for further action.

Note :- The reason for notification of this Act is that the government is of the opinion that the corrective treatment and training of the behavior of the Child and youth who have committed illegal act shall encompass an important principle towards the welfare for the Child, who shall have the opportunity to correct his or her behaviour and adapts himself or herself to the environment, both family and society. This is the preferred corrective principle to suppression or punishment as previously conducted due to the fact that such Child has committed illegal act. This is because such Child was not correctly and sufficiently trained, disciplined and received care by the father and mother or guardian, or such Child has been subject to various environments which were harmful to Children or due to such Child's physical or mental abnormality. Therefore, the treatment of such Child and youth needs to be conducted with calmness and carefulness by considering the facts in relation to the environment, home condition and family, as well as the physical and mental conditions of the Child in order to analyse and be informed of the ground of wrongdoing. Also, there shall be a way to provide welfare, training and correction by various methods such as the training, care and education for both ordinary subject and professional subject in various welfare facilities as appropriate for the Child. Also, upon the time which the Child or youth has to self-support, there shall be procurement of job, accommodation etc.

Regarding the treatment of the Child or youth who violates the law, which previously was too harsh a punishment, such treatment has changed in a way which corrects the behaviour according to the psychological and social welfare, which has a characteristic of a public welfare more than correctional work. Therefore, the government

⁵ Published in the Government Gazette, Vol. 75, Part 79, Page 542, dated 16 October B.E. 2501.

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finds it appropriate to transfer the training and disciplining a Child in the Koh Yai vocational training school of the Department of Corrections to be within the powers and duties of the Department of Social Welfare for further action.

*Royal Decree Amending the Provision to Coincide with the Transfer of Power and Duties of the Government Sector in Accordance with the Act on Reorganisation of Ministries, Ministerial Bureaus and Departments, B.E.2545 (2002), B.E. 2545 (2002).⁶

Section 55. Regarding the Training and Disciplining a Certain Type of Child Act, B.E. 2479 (1936), there shall be amendment of the term “Minister of Interior” to “Minister of Social Development and Human Security”, the term “Department of Public Welfare” to “Department of Social Development and Welfare” and the term “Director-General of “Department of Public Welfare” to “Director-General of Department of Social Development and Welfare”.

Note :- The reason for notification of this Royal Decree is that the Act on Reorganisation of Ministries, Ministerial Bureaus and Departments, B.E. 2545 (2002) prescribes that there be an establishment of the new government division with new mission. The enactment of such Royal Decree has transferred the administration and power and duties of the government division in accordance with the Act on Reorganisation of Ministries, Ministerial Bureaus and Departments. Also, such Act has prescribed the transfer of powers and duties of the government division, the Minister holding the position or the person who has performed duties in the previous government division shall transfer to the new government division by amending various provisions to be consistent with the government division’s transferred power. Thus, in order to approve according to the principle which appears in such Act and Royal Decree, it is appropriate to amend the legal provisions to be consistent with the transfer of government division. This will enable the related person to have clarity in legal application without having to search in the law concerning the powers and duties transfer to know which law is transferring the mission of the government division

⁶ Published in the Government Gazette, Vol. 119, Part 102 a, Page 66, dated 8 October B.E. 2545.

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or to determine which responsible person according to such law has been transferred to which unit or to which person. This is by amending the legal provision which changes the name of the government division, the Minister holding the position, or the person who performs the duties of the government division to coincide with the transfer of powers and duties and to increase the number of the government division representatives in the Commission in order to align with the mission of removing and transferring from previous government division into the new government division as well as removing previous government division which has been dissolved. This is to amend according to such Act and Royal Decree. It is therefore necessary to enact this Act.

Thitiporn/Create

8 November 2013

Pimonkorn/Check

12 November 2013

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