- Unofficial -

Military Discipline Act
B.E. 2476 (1933)

Prachadhipok, REX

His Majesty King Prachadhipok is graciously pleased to proclaim that:

The House of Representatives has given an advice that in compliance with Section 7 in Criminal Code of Military and the incorporation of the Army and Navy into the same ministry, it is expedient to enact a new provision on military discipline.

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

Chapter I
General Provisions

Section 1. This Act shall be cited as "Military discipline Act B.E. 2476".

Section 2. This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3. Code of Army Ethics and Punishment B.E. 2464, Ministerial Regulations Regarding Punishment of Naval Officers B.E. 2465 and other codes and regulations that contradict the stipulation of this very Act are utterly repealed.

Chapter II
Discipline

Section 4. Military discipline means the conduct of conformity to military customs.

Section 5. Military discipline is the most important principle for all military personnel. Thus, all personnel must inhabit a military discipline scrupulously. Those who violate such discipline shall be found guilty.

Samples of disciplinary offenses are as follow:

1. Disobedience, evasion and negligence of direct command of commanding officers;
2. Fail to adhere to the military seniority customs;
3. Fail to adhere to the correct tradition of the military;

4. Undermine military unity;
5. Neglect, abandon or unwilling to perform official duties;
6. Deception;
7. Committing inappropriate actions and verbal abuse;
8. Failing to instruct, reprimand or penalize subordinates for their wrongdoings;
9. Intoxication.

Section 6. The commanding officer is entrusted to oversee the military discipline of his subordinates rigorously. Providing the case where violence and arms are necessary to maintain order and discipline of his subordinates, the commanding officer are permitted to perform such task with impunity. However, The commanding officer must report the conduct to his chief immediately until it reaches the Minister of Defence.

Section 7. Any military personnel who violate the military discipline is subjected to penalty stipulated in Chapter III of this Act. Offenders could possibly be dischargedand stripped of his military rank.

Chapter III
Parameter of Punishments

Section 8. As previously mentioned in Chapter II,punishment for offenders is classified into 5 degrees

1. Parole
2. Extra duties
3. Detention
4. Confinement
5. Imprisonment

Section 9. Parole is sanctioned to an offender who has committed a violation but with a reasonable mitigating factor. Hence, his misconduct shall be indicted but rather put on probation

Extra duties refer to additional works such as cleaning and public works which are often added on to the official duty and daily routine of an offender. Longer watch/shift could also be part of the duty.

Detention means to detain an offender in any specified area.

Confinement means both solitary and group confinement in any designated area.

Imprisonment means to deliver an offender into the custody of military prison.

Besides the aforementioned penalties, it is strictly forbidden to create a new set of punishment or place other forms of penalty on the offender.

Section 10. Those who are authorized to sanction the penalty are:

1. Commanding officer; or

2. Officers whose authority is delegated from the Ministry of Defence, Army, Navy or Air Force directly.

Punishment methods must conform to the appendix outlined within this Act.

Table below designates the degree of penalties commanding officers and lower-ranked officers are entitled to.

Table of Designated Punishment Authority and Penalty Tier

Ranks	Tier of Punishment Authority	Penalty Tier
1. Minister of Defence	1	-
2. Army Area Commander	2	-
3. Division Commander, Fleet Commander, Air Division Commander	3	-
4. Regiment Commanding Officer, Flotilla Commander Commander of Wing	4	a
5. Commander of the 2nd Group Level 1	5	b
6. Battalion Commander, Commander of the 2nd Group Level 2, Commanding Officer of the 1st Class Ship Squadron Commander	6	c
7. Commander of the 3rd Group, Commanding Officer of the 2nd Class Ship, Executive Officer of the 1st Class Ship, 1st Class Squadron Commander	7	d
8. Company Commander, Commanding Officer of the 2nd Class Ship, Executive Officer of the 2nd Class Ship, Officer of the Starboard 2nd Class Squadron Commander	8	e
9. Platoon Leader, Executive Officer of the 3rd Class Ship 3rd Class Squadron Commander	9	f
10. Squad Leader, Section Leader	-	g

11. Military cadet who is becoming a commissioned officer in the military and a person who is currently participating in military training courses and sessions authenticated by Defense Minister's orders.	-	h
12. Military cadet who is becoming a non-commissioned or rank-and-file officer in the military.	-	i

Section 11. If the rank of the punishment authority or the person punished does not match as mentioned in Section 10 of this Chapter, the rank comparison as provided in the military regulation shall be applied.

Section 12. The punishment authority is permitted to punish an offender by one method only. Should the offender be penalized by two methods, only half of each penalty can be sanctioned. It is forbidden to indict more than two methods of punishment at a time.

Section 13. Before any form of punishment is inflicted, the punishment authority must scrupulously contemplate that offenders are unquestionably guilty. The punishment authority must be extremely cautious on pressing charges and indictment. Offenders must undoubtedly be proven guilty. The punishment authority has to inform the offender of his charges before executing the punishment.

Section 1 4. In the case where a commissioned officer is punished, an indictment report must be procedurally submitted to the Minister of Defence.

Section 15. In the case where an offender is found guilty but his commanding officer has no authority to sanction a corresponding punishment, that commanding officer must refer an offender's charges to a higher-ranked officer to sanction such penalty.

Section 16. In case of an offense that certain punishment is already firmly established, such as absence without leave etc., if that penalty is beyond the power of the commanding officer, such issue shall be refered to the following authority:

1. For the Army, the authorized commanding officer is commanding officer or the battalion commander who is in a different location to the commanding officer;

2. For the Navy, the authorized commanding officer is flotilla commander or the battalion commander who is in a different location to the flotilla commander;

3. For the Air Force, the authorized commanding officer whose position is commander of wing. Despite the punishment is beyond his power, the commander can impose such punishment without referring to the chain of command.

Section 17. A commissioned officer who escorts an offender has a tier higher authority to punish the offender while he is in his custody except such commissioned officer who is already entitled to tier 2 and above punishment authority.

Section 18. If a punishment authority already imposes the confinement and the person punished commits a violation again, the punishment authority shall be able to increase the punishment by considering the previous punishment. The new confinement period which includes the previous one shall not exceed the power of the punishment authority. However, in case that the person punished should be punished more that the punishment authority's power, section 15 of this chapter applies.

Section 19. The punishment authority shall impose a penalty on the offender within 3 months since the evidence of the wrongdoing exposed, otherwise he shall no longer impose any penalty on that offender. However, if the offender absence from the duty before the end of the 3- month-period, that absence period will not be included. The period shall be counted on the date that the offender resumes his duty.

Section 20. After the punishment authority imposes a penalty as stipulated in this Act, the higher punishment authority or the superior commanding authority of the punishment authority shall be able to increase, decrease or remove the penalty. In case of penalty increase, total penalty shall not exceed the power of the new issuing punishment authority.

Chapter IV
The Complaint Procedure

Section 21. In order to maintain the military discipline and order, a commanding officer merits the power of sanctioning punishment. However, some commanding officers may exercise such power inequitably. Therefore, it is rational to permit the service member to complain against his charges.

Section 22. "Complaint" refers to an officer's statement alleging his commanding officer of conceivable abuse of power or law and discipline violation, with respect to his own inherent rights and benefits.

Section 23. A Military personnel can only complain for himself and is strictly forbidden to complain for others. Petition, meeting and other forms of group association regarding a complaint are also prohibited.

Section 24. A complaint is forbidden during an assembly and any other assigned duties. It is allowed only within 24 hours window after an incident is occurred

Section 25. Complaint that the commanding officer imposed too rigid punishment is prohibited if the commanding officer did not impose such punishment beyond his power as provided in Chapter 3 of this Act.

Section 26. In order to accuse anyone, a complaint, either verbal or written complaint, shall be directed to his immediate commander. In case of verbal complaint, such complaint, signed by the complainant, shall be written by the receiver.

If the complainant is not certain of whom to be accused, he shall file a complaint to his immediate commander in order to forward the matter through the chain of command to the authority who shall establish an investigation and provide remedy.

Section 27. If the complaint is written in letter format, the complainant's signature must be present otherwise his commanding officer has the right to neglect such letter.

Section 28. After 15 days of filing a complaint to a commander as provided previously and without any explanation and remedy provided, a new complaint shall be filed to a higher step of commander. The new complaint shall be mentioned detail of the previous complaint.

Section 29. Once receives a compliant, the commander shall conduct an investigation, provide a remedy or explanation to the complainant immediately. Any ignorance is considered a military disciplinary violation.

Section 30. In case where a complainant is dissatisfied with a clarification made by his commanding officer, he may file another complaint to a step higher of his commanding officer but must provide an explanation to the second complaint and a report on the first clarification.

Section 31. If a complaint is proven to be a pretense or defiance of any parts of the specified complaint procedure, the complainant shall then be charged with a disciplinary offense.

Section 32. The Minister of Defence shall be responsible for the execution of this Act.

Given on the 12th day of August B.E. 2476. Being the 9th year of the Present Reign.

Countersigned by
Colonel Pahonponpayuhasena
Prime Minister