



สำนักงานคณะกรรมการป้องกันและปราบปรามการทุจริตแห่งชาติ

Office of The National Counter Corruption Commission



วันศุกร์ที่ 15 เมษายน 2548

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## Powers and Duties

### A.Powers and Duties of the NCCC

The main functions of the NCCC which are provided by the Constitution and the organic Act on Counter Corruption are as follows:

(1) When the NCCC finishes the inquiry and has made resolution that there is a prima facie case, the inquiry report would be submitted to the Senate to make final decision for removal the Prime Minister, Minister, Member of the House of Representative, Senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court, Prosecutor - General, Election Commissioner, Ombudsman, Judge of Constitutional Court, Member of the State Audit Commission, Vice President of the Supreme Court of Justice , Judge of the Supreme Administrative Court, Chief of the Military Judicial Office, Deputy Prosecutor - General, a person holding a high - ranking position and others according to the law.

(2) Persons Holding Political Positions: Positions as follows: Prime Minister, Minister, Member of the House of Representative, Senator, other political official who become unusually wealthy, commit offences of malfeasance in office under The Penal code or corruption under other law , including principal Instigator or supporter of the persons mentioned, may be made inquiry into Criminal Proceeding .

(3) Make inquiry and resolution on the governmental official who become unusually wealthy, commit offences of malfeasance in office under The Penal code or malfeasance in judicial office or corruption under other law.

(4) Verify the change of assets and liabilities of a governmental official and a person holding a political position.

(5) Specify the positions and classes or level of State Officials to submit the account of assets and liabilities to the NCCC for inspection.

(6) Prescribe rules and procedures for the submission of the account of Assets and liabilities of State officials and the disclosure of accounts of assets and liabilities of Prime Minister and Minister.

(7) Report the inspection and operation results to the cabinet, the House of Representative, the Senator annually and publicise the report.

(8) Propose measures , opinions or recommendations to the cabinet, the paliament, courts or the State Audit Commission in order to improve the performance of duties or prepare a political development plan to prevent committing offences of malfeasance in office under The Penal code or malfeasance in judicial office or corruption under other law.

(9) Refer matters to the agency concerned for the purpose of making a request to the Court for an order or judgment canceling or revoking a right or document of title in respect of which the State Official has given approval or granted permissions conferring the rights or benefits or issued the document of title to a particular person in contravention of the law or official regulations to the detriment of the government service.

(10) The NCCC manages to deprive the corruption opportunities, educate people to know the wickedness of corruption, build up attitudes values and integrity and seek cooperation from people.

(11) Approval to the appointment of the secretary - General .

(12) Appoint persons or a group of persons for performing duties as entrusted.

Map of Office of The National  
Counter Corruption  
Commision

Map of Thanapoom Tower



(13) Perform the duties according to the Constitution or other laws, at this level are:

(13.1) the Constitution and the Organic Act on Counter Corruption, 1999

(13.2) the Bid to the Government Agencies Act

(13.3) the Partnership and Share Management of the Minister Act

#### B.Powers of the NCCC

By the virtue of the constitution and the Organic Act on Counter Corruption 1999, the NCCC has the powers as follows:

(1) to give an order instructing a Government official, Official or Employee of a Government agency, State Agency, State Enterprise or Local Administration to perform all such acts as are necessary for the performance of duties of the NCCC or to summon relevant documents or evidence from any person or to summon any person to give statements or testimonies, for the purpose of a fact inquiry;

(2) to file an application with the competent Court for an issuance of a warrant permitting and entry into a dwelling-place, place of business or any other place including a vehicle of any person from sunrise to sunset or during the working hours for the purposes of inspecting, searching, seizing, or attaching documents, property or other evidence related to the matter under inquiry, If action is not completed within such time, such action may be further taken until its completion;

(3) to address a written request to a Government Agency, State Enterprise, Local Administration or Private Agency to carry out a particular act for the purpose of the performance of duties of, or the conduct of a fact inquiry or the making of a determination by, the NCCC;

(4) to prescribe regulations with respect to the rules and procedures for the payment of per diem, traveling fees and remuneration of a witness and in connection with the performance of duties of competent officials other matters, for the execution of this Organic Act;

(5) to prescribe the regulation with respect to the payment of a reward in connection with corruption according to Section 28

(6) has power to issue regulation or notification with respect to general administration, personnel, budget, finance and property and other business of the Office of the NCCC;

(7) by the virtue of the constitution ,the accused governmental officials may be made inquiry into Criminal Proceeding according to NCCC's following powers:

(7.1) to inquiry into facts and gather evidence in order for the facts to be known or the offence to be proved and in order for the offender to be prosecuted and punished, in taking criminal proceedings;

(7.2) to file an application with the competent Court for an issuance of a warrant of arrest and custody of the accused who, from the fact inquiry, appears to be an offender of against whom the NCCC has passed a resolution that the allegation has a prima facie case, for the purpose of referring such person to the Prosecutor - General for further proceeding;

(7.3) grant a provisional release the arrest person with or without bail;

(8) the NCCC shall have the power to prosecute of its own or appoint an attorney to prosecute on its behalf in the following cases:

(8.1) When the Prosecutor - General has received the report and considered that the NCCC inquiry report is not so complete as to justify for prosecution. In this case, the NCCC and the Prosecutor - General shall appoint a working group .

(8.2)When the accused is a Prosecutor - General.

(9) in conduction a fact inquiry, if the NCCC is of the opinion that the continued performance of the accused shall cause injury to the Government service or cause an impediment to the inquiry the NCCC shall refer the matter to the superior of the accused for an order of suspension from the Government service or from work pending the decision of the NCCC.

### C.Powers of the NCCC according to other laws

1. In 1999, the NCCC can submit a motion to the Supreme Court of Justice's Criminal Division for Persons Holding Political Position in the case that can not agree on the solution within 14 days limit, starting from the first working day.

2. Make Inquiry according to the Offence Relating to the Bid to the Government Agencies Act 1999. The offence relating to the Bid to the Government Agencies Act 1999 provides the NCCC to make inquire in to the offences concerning with the Bid in the Government Agencies. The offence in this act means offer a price for being the contractor with government agencies in accordance with the purchasing, employment, exchanging, leasing, distribution of properties getting concession or any other rights. The NCCC has following powers:

(1) to inquiry into facts and gather evidence in order for the facts to be known or the offence to be proved and in order for the offender to be prosecuted and punished, in taking criminal proceedings;

(2) to give an order instructing a Government official, Official or Employee of a Government agency, State Agency, State Enterprise or Local Administration to perform all such acts as are necessary for the performance of duties of the NCCC or to summon relevant documents or evidence from any person or to summon any person to give statements or testimonies, for the purpose of a fact inquiry;

(3) to file an application with the competent Court for an issuance of a warrant permitting and entry into a dwelling-place, place of business or any other place including a vehicle of any person from sunrise to sunset or during the working hours for the purposes of inspecting, searching, seizing, or attaching documents, property or other evidence related to the matter under inquiry, If action is not completed within such time, such action may be further taken until its completion;

(4) to file an application with the competent Court for an issuance of a warrant of arrest and custody of the accused who, from the fact inquiry, appears to be an offender of against whom the NCCC has passed a resolution that the allegation has a prima facie case, for the purpose of referring such person to the Prosecutor - General for further proceeding;

(5) to request a police officer or investigation officer to comply with court warrants issued under (3) or (4)

(6) to prescribe rules by publication in the Government Gazette on matters relating to the investigation and inquiry of commission of offences under this Act and coordinate legal proceedings taken by the NCCC, investigation officer and State attorney.

In the exercise of functions under this Act, the President and members of the NCCC shall be administrative officials or senior police officers and shall have identical powers and duties to the investigation officer under the Criminal Procedure Code, and for the benefit of investigations, the NCCC shall have the power to appoint a sub-committee or competent official shall be an investigation officer under the Criminal Procedure Code.

In the case where the NCCC submits an investigation report to the Office of the Attorney-General for further legal proceedings, in relation to proceedings leading to the issue of an order of prosecution or non-prosecution vested in the State attorney under the Criminal Procedure Code, the provisions prescribing powers and duties of the investigation official, National Police Commander or provincial governor shall be deemed as powers and duties of the NCCC.

3. By the virtue of the Partnership and Share Management of the Minister Act 2000, which was enacted the NCCC : has duties to monitor the partnerships and shares of the Minister. The NCCC has duties to monitor the distribution of partnership and share management of the Minister.

## **Powers and duties of the NCCC**

Office of The National Counter Corruption Commission abbreviates to be "NCCC". It is an independent organization according to The Constitution and having government department status.

## **Main Duties**

The Office of The National Counter Corruption Commission has powers and duties relevant to services of The National Counter Corruption Commission as below:

1. Responsible for the administrative work of NCCC
2. Study and gather data related to the work of NCCC
3. Study and encourage the studies and research in, and disseminate knowledge about corruption in the governmental and political circles
4. Perform other acts as entrusted by NCCC
5. Propose expenditure budget according to the conclusion of the NCCC to the cabinet in order to allocate to be support money of The National Counter Corruption Commission and The Office of The National Counter Corruption Commission.

## Office Structure

Name	Duties and Responsibilities
Office of Corruption Prevention 1	Propose measures opinions or recommendations to the Cabinet or the Organizations concerned for corruption prevention. In developing its corruption prevention, the NCCC may study or research as a result of the NCCC investigation report or from Public awareness in the societies. Then the recommendations would be made concerning with the legislative and system change in the public sector to help remedy corruption as well as to get rid of the opportunities of corruption.
Office of Corruption Prevention 2	The NCCC manages to deprive the corruption opportunities, educate people to know the wickedness of corruption, build up attitudes values and integrity and seek cooperation from people etc.
Office of Corruption Suppression 1	<p>Make inquiry and resolution on the governmental official who commit offences of malfeasance in office under The Penal code or malfeasance in judicial office as following:</p> <ul style="list-style-type: none"> <li>• Ministry of Interior (except Thai Department of Corrections and Department of Lands)</li> <li>• Office of the Prime Minister(except the Royal Thai Police)</li> <li>• Ministry of Labor and Social Welfare</li> <li>• Bangkok Metropolis, Patthaya City, Provincial Administration Unit, Municipality and Sanitation</li> <li>• Ministry of Education</li> <li>• Ministry of Public Health</li> <li>• Ministry of University Affairs</li> <li>• Independent Organizations</li> <li>• Office of the Auditor General of Thailand</li> <li>• Bureau of the Royal Household</li> <li>• The Secretariat of the House of Representatives</li> <li>• The Secretariat of the Senate</li> <li>• The Royal Institute</li> <li>• Office of the Constitutional Court</li> <li>• Office of the Election Committee</li> </ul>
Office of Corruption Suppression 2	<p>Make inquiry and resolution on the governmental official who commit offences of malfeasance in office under The Penal code or malfeasance in judicial office as following:</p> <ul style="list-style-type: none"> <li>• Ministry of Defence</li> <li>• Ministry of Foreign Affairs</li> <li>• Ministry of Justice</li> <li>• Office of the General- Prosecutor</li> <li>• Royal Thai Police</li> <li>• Thai Department of Corrections</li> <li>• Ministry of Finance</li> <li>• Ministry of Commerce</li> <li>• Ministry of Industry</li> <li>• Ministry of Transportation</li> <li>• Ministry of Agriculture</li> </ul>

	<ul style="list-style-type: none"> <li>• Department of Lands</li> <li>• Ministry of Science and Technology</li> <li>• State Enterprise</li> </ul>
Office of Property Inspection 1	<p>1. When the NCCC finishes the inquiry and has made resolution that there is a prima facie case, the inquiry report would be submitted to the Senate to make final decision for removal the Prime Minister, Minister, Member of the House of Representative, Senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court, Prosecutor - General, Election Commissioner, Ombudsman, Judge of Constitutional Court, Member of the State Audit Commission, Vice President of the Supreme Court of Justice , Judge of the Supreme Administrative Court, Chief of the Military Judicial Office, Deputy Prosecutor - General, a person holding a high - ranking position and others according to the law who become unusually wealthy, commit offences of malfeasance in office under The Penal code or corruption under other law , including</p> <p>2. Investigate persons holding political positions as follows: Prime Minister, Minister, Member of the House of Representative, Senator, other political official who become unusually wealthy, commit offences of malfeasance in office under The Penal code or corruption under other law</p> <p>3. Verify the existing of assets and liabilities of a governmental official and a person holding a political position as in 1 and 2.</p>
Office of Property Inspection 2	<p>1 and 2 inquire and make resolution that there is a prima facie case on Senators and Members of the House of Representative to make final decision for removal.</p> <p>3. Verify the existing of assets and liabilities of Senators and Members of the House of Representative.</p> <p>4. Inquire and make resolution that there is a prima facie case on Senators and Members of the House of Representative who are unusually wealthy.</p>
Office of Property Inspection 3	<p>1. Inquire and make resolution that there is a prima facie case on high ranking person who is unusually wealthy to make final decision for removal.</p> <p>2. Verify the existing of assets and liabilities of a high ranking person every three years.</p> <p>3. Inquire and make resolution that there is a prima facie case on high ranking person who is unusually wealthy</p>
Office of Property Inspection 4	<p>1. Verify the existing of assets and liabilities of the officers of Bangkok Metropolis, Patthaya City, Provincial Administration Unit, Municipality and Sanitation</p> <p>2. Inquire and make resolution that there is a prima facie case on people according to 1. who are unusually wealthy.</p>
Office of Property Inspection 5	<p>1. Verify the existing of assets and liabilities of a person not holding political position and a person who hold the position according to Section 3 of the Organic Act on Counter Corruption 1999(except Supreme Court Judge and Supreme Administration Court Judge.)</p> <p>2. Inquire and make resolution that there is a prima facie case on people according to 1. who are unusually wealthy.</p>
Office of Lawsuit	<p>1. Criminal proceedings against persons holding political positions and request for the property to devolve on the state.</p> <p>2. Submitted to the Senate to make final decision for removal the person.</p> <p>3. Criminal proceedings against persons not holding political positions and request for the trial from the court.</p> <p>4. Submitted to the Constitutional Court to make final decision for removal the person who declare assets.</p> <p>5. Enforce regulations on governmental officers who is not</p>

	<p>holding political position.</p> <p>6. Freeze and forfeit the assets.</p> <p>7. Doing criminal proceedings.</p> <p>8. Proceed the penalties.</p> <p>9. Following up the criminal proceedings.</p> <p>10. Other criminal proceedings practices.</p> <p>11. Make inquiry according to the offence relating to the bid to the government agencies.</p> <p>12. Make inquiry according to the offence relating to the conflict of interest between personal and public interest.</p> <p>13. Make inquiry according to the partnerships and shares of the Minister.</p> <p>14. Perform other acts as entrusted by NCCC</p>
Office of Policy and Plan	<p>1. Prepare, follow and evaluate the performance according to the strategic plan and the practical plan.</p> <p>2. Prepare the performance report and the recommendations to the cabinet and the Senate annually and disseminate the report.</p> <p>3. Prepare plan and project to propose the request for budget from the cabinet and the parliament.</p> <p>4. Study and encourage the studies and research in, and disseminate knowledge about corruption in the governmental and political circles.</p> <p>5. Specify the positions and classes or level of State Officials to submit the account of assets and liabilities to the NCCC for inspection.</p> <p>6. Develop legislation system and practices to prevent committing corruption among the governmental and political officers.</p> <p>7. Study to improve the performance system, documents and other research information in preventing corruption among the governmental and political officers.</p> <p>8. Seeking cooperation from people and public relations both in education and supporting the corruption prevention among the governmental and political officers.</p> <p>9. Set up and develop computer system and program.</p> <p>10. Set up and develop database.</p> <p>11. Take care, maintain and fix the problems on using computer programs and communication radios.</p> <p>12. Perform other acts as entrusted by NCCC.</p>
Division of Complaint Receiving	<p>1. Set up and develop the registration system of complaints and account of assets and liabilities declaration.</p> <p>2. Receive complaints and inquire the complainant.</p> <p>3. Summarize the complaint and submit to the NCCC.</p> <p>4. Do primary verification on small offences and submit to the NCCC.</p> <p>5. Receive the account of assets and liabilities declaration.</p> <p>6. Check primary documents.</p> <p>7. Submit to the President of Committee or the Committee and the President of Committee signs on each page.</p> <p>8. Prepare the content of the NCCC.</p> <p>9. Perform other acts as entrusted by NCCC.</p>
Division of Officer	<p>1. Set up system and human resource management.</p> <p>2. Recruit, enroll and appoint personnels according to the standard.</p> <p>3. Develop and administer database of the personnels.</p> <p>4. Build up attitude, values, moral and ethics concerning integrity.</p> <p>5. Set up system and develop the personnel performance.</p> <p>6. Doing public relations.</p> <p>7. Perform other acts as entrusted by NCCC.</p>
Division of Finance	<p>1. Administer finance, account both in and out of the budget and other funds.</p> <p>2. Manage supplies, building and transportation vehicles.</p> <p>3. Manage the welfare of the personnels.</p> <p>4. Other administrative work of the NCCC (manage the</p>

	shift of security guard, ceremonies and public relation inside the organization). 5. Perform other acts as entrusted by NCCC.
Division of the Commission	1.Call for the meeting of the NCCC. 2. Collect the resolution and follow up the operation according to the resolution. 3. In charge of NCCC spokesman position. 4. Debate and make announcement in the case that media report inappropriate or false news . 5. Follow and coordinate the matter as entrusted by NCCC both inside and outside the office. 6. Perform other acts as entrusted by NCCC.

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