

**ADMINISTRATION OF ISLAMIC ORGANISATIONS ACT,
B.E. 2540 (1997)**

BHUMIBOL ADULYADEJ, REX.

Given on the 17th Day of October, B.E. 2540;
Being the 52nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously please to proclaim that:
Whereas it is expedient to revise the law on Islamic mosque and the law
on Islamic patronage;

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 “Administration of Islamic Organisations
Act, B.E. 2540 (1997)”.

Section 2. This Act shall come into force as from the day following the
date of its publication in the Government Gazette.¹

Section 3. The following shall be repealed:

- (1) Islamic Mosque Act, B.E. 2490 (1947);
- (2) Royal Decree on Islamic Patronage, B.E. 2488 (1945);
- (3) Royal Decree on Islamic Patronage (No.2), B.E. 2491 (1948).

* Translated by Mr. Tohpong Smiti under contract for the Office of the Council of
State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

¹ Published in the Government Gazette, Vol. 114, Part 65 a, Page 3, dated 9th
November B.E. 2540.

Section 4. In this Act:

“mosque” means a place used by Muslims to perform religious activities, where Friday *salah* is regularly performed and Islamic religion is taught;

“devotee of the mosque” means a Muslim admitted to be a devotee of the mosque by a resolution of the Mosque’s Islamic Committee, and whose name appears on the register of devotees of the mosque; however, such person must not be a devotee of more than one mosques at the same time;

“*imam*” means the Islamic religious leader of the mosque;

“*kateb*” means a preacher of a mosque;

“*bilal*” means a person who calls Muslims to perform religious activities on time.

Section 5. The Minister of Interior and the Minister of Culture shall have charge and control of the execution of this Act, and shall have the powers to appoint competent officials and to issue Ministerial Regulations, Rules, Notifications and Orders for the execution of this Act in respect of the powers and duties of their Ministry.

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

CHAPTER I
GENERAL PROVISIONS

Section 6. The King appoints one *Sheikhul Islam* to be the leader for Islamic affairs in Thailand.

The Prime Minister shall present the name of the person to hold the position of *Sheikhul Islam*, which is approved by members of *Changwat* Islamic Committees throughout the country, to the King for His Royal appointment to be the *Sheikhul Islam*.

The rules and procedure for selection of *Sheikhul Islam* under paragraph two shall be in accordance with those prescribed in Ministerial Regulations.

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There shall be allowance for the position of *Sheikhul Islam* which is prescribed by Royal Decree.

Section 7. The *Sheikhul Islam* must have the qualifications and not be under any of the prohibitions as follows:

- (1) being a Muslim of Thai nationality by birth;
- (2) being not less forty years of age;
- (3) being a person having good knowledge and understanding in Islamic religion;
- (4) being a person strictly behaving in accordance with Islamic commandments;
- (5) being a person having good relationship with every religion;
- (6) being a person faithfully committed to the democratic regime of government with the King as Head of State;
- (7) not being or having been a bankrupt;
- (8) not being imprisoned due to a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (9) not being incapacitated to such an extent that he is unable to perform the duties, being incompetent or being of mental infirmity or having a disease prescribed in the Ministerial Regulations;
- (10) not being a person holding a political position.

Section 8. The *Sheikhul Islam* has the powers and duties as follows:

- (1) to provide consultation and to present opinions in relation with Islamic religion to State agencies;
- (2) to appoint a group of qualified persons to give suggestion in relation to Islamic religious prescriptions;
- (3) to issue a notification to announce the result of moon sighting under section 35 (11) to determine the religious holidays;
- (4) to issue a notification in relation to a decision in accordance with Islamic religious prescriptions.

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Section 9. The *Sheikhul Islam* terminates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by a Royal Command due to lacking qualifications or being under any of the prohibitions under section 7.

Section 10. The *Sheikhul Islam*, a councilor of the Central Islamic Council of Thailand, a member of a *Changwat* Islamic Committee and a member of a Mosque's Islamic Committee have the right to wear gown and to decorate a pin of His Majesty Name in accordance with the Rules on such matter.

Section 11. Where deemed appropriate, the Ministry of Education may establish an "Islamic college" to provide education and training on religious studies, general studies and profession.

CHAPTER II

ESTABLISHMENT AND DISSOLUTION OF MOSQUE

Section 12. Construction, establishment, relocation, amalgamation and registration of mosques shall be in accordance with rules and procedures prescribed in Ministerial Regulations.

The establishment, amalgamation and dissolution of mosques shall be published in the Government Gazette.

Section 13. A mosque, which has already registered its establishment with a competent official, shall have the juristic person status. The Mosque's Islamic Committee shall be the representative of the mosque in affairs *vis-à-vis* third persons. For this purpose, the Mosque's Islamic Committee may entrust one or several members of the Committee to act on its behalf.

Section 14. A mosque which has juristic personality may be dissolved by

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making dissolution registration with a competent official.

All properties of a mosque dissolved under paragraph one shall be transferred to the nearest mosque which has juristic personality. If the transfer is not possible, the properties shall be transferred to the next nearest mosque which has juristic personality. However, this shall not apply to properties acquired through donation and the donor has declared his or her intention otherwise.

Section 15. A mosque which has been already registered shall undertake the selection of members of the Mosque's Islamic Committee under Chapter V within ninety days from the date of registration.

CHAPTER III CENTRAL ISLAMIC COUNCIL OF THAILAND

Section 16. There shall be a council called the "Central Islamic Council of Thailand", consisting of the the *Sheikhul Islam* as the President, and councilors appointed by the King from representing members of *Changwat* Islamic Committees, the number of which is one councilor per *changwat*, and from other members selected by the *Sheikhul Islam*, the number of which is one-thirds of the number of representing members of *Changwat* Islamic Committees, where the fraction thereof, if any, shall be round down.

The selection of representing members of *Changwat* Islamic Committee and the selection of other members under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The Council shall select councilors to be Vice-President and Secretary-General and to hold other positions as may be necessary.

Section 17. A councilor of the Central Islamic Council of Thailand must have the qualifications and not be under any of the prohibitions as follows:

(1) having the qualifications and not being under any of the prohibitions under section 7, except for (2) and (10);

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(2) being not less than thirty years of age.

Section 18. The Central Islamic Council of Thailand has the powers and duties as follows:

(1) to provide consultation to the Minister of Interior and the Minister of Culture in complying with this Act;

(2) to provide consultation or recommendation in connection with Islamic religion to *Changwat* Islamic Committees and Mosque's Islamic Committees;

(3) to appoint a sub-committee to perform the work as entrusted by the Central Islamic Council of Thailand;

(4) to issue Rules related to management of properties and acquisition of benefits of the Office of *Changwat* and Mosque's Islamic Committees;

(5) to issue work procedure and to control and supervise the management of *Changwat* Islamic Committees and Mosque's Islamic Committees;

(6) to perform the duties of *Changwat* Islamic Committee in the *changwat* in which there is no *Changwat* Islamic Committee, provided that in this regard, the Central Islamic Council of Thailand may entrust the Islamic Committee of an adjacent *changwat* to perform the duties in substitution for such *Changwat* Islamic Committee;

(7) to consider and decide on an objection under section 41;

(8) to prepare registers of properties, documents and accounts of revenue and expenditure of the Office of the Central Islamic Council of Thailand which are correct and accurate;

(9) to issue a notification and to give certification relating to Islamic religious affairs;

(10) to promote and support organisation of religious activities and Islamic education;

(11) to coordinate with relevant Government agencies on affairs relating to Islamic religion;

(12) to perform other duties prescribed in this Act.

Section 19. A councilor of the Central Islamic Council of Thailand who is

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appointed by the King holds office for a term of six years and may be reappointed.

When a councilor vacates office upon the expiration of term, selection process for the new appointment shall be held within ninety days from the date on which the term of office expires. During the period where the appointment of a new councilor has not been made, such councilor shall continue to perform the duties *pro tempore* until the King appoints a new councilor.

Section 20. In addition to vacating office upon the expiration of term under section 19, a councilor of the Central Islamic Council of Thailand vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by a resolution of the Central Islamic Council of Thailand due to being disqualified or being under any of the prohibitions under section 17.

In the case where the councilor position becomes vacant due to any reason other than expiration of term of office, there shall be the selection and appointment of a councilor to fill the vacancy within ninety days from the date of vacancy, in accordance with the rules and procedures prescribed in the Ministerial Regulations. However, if the remaining term of office is no more than one hundred and eighty days, the selection of councilor to fill the vacancy may or may not be undertaken. The appointed councilor holds office for the remaining term of office of the person whom he replaces.

The Ministry of Interior shall publish the name of a councilor of the Central Islamic Council of Thailand who vacates office in the Government Gazette.

Section 21. At a meeting of the Central Islamic Council of Thailand, the presence of one-half of the existing councilors is required to constitute a quorum.

If the President is not present or unable to perform the duties, the Vice-President shall perform the duties in place of the President. If the President and the Vice-President are not present or unable to perform the duties, the councilors present shall elect one among themselves to preside over the meeting.

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A resolution of the meeting shall be made by a majority of votes. In casting a vote, each councilor has one vote. In case of an equality of votes, the presiding member shall have an additional one vote as the casting vote. However, in case of a resolution to remove a councilor of the Central Islamic Council of Thailand, such resolution shall be made by the vote of three-fourths of the number of the existing members.

Section 22. There shall be the Office of the Central Islamic Council of Thailand which has the juristic person status and has the duties concerning affairs of the Central Islamic Council of Thailand. The Central Islamic Council of Thailand shall be the representative of the Office for an affair vis-à-vis third person. In this regard, the Central Islamic Council of Thailand may pass a resolution to authorise one or several councilors to act on its behalf. The Secretary-General of the Central Islamic Council of Thailand shall be responsible for the affairs of the Office.

CHAPTER IV CHANGWAT ISLAMIC COMMITTEE

Section 23. In any *changwat* where there are people of Islamic religion and at least three mosques under section 13, the Central Islamic Council of Thailand shall announce, for that *changwat*, the establishment of one *Changwat* Islamic Committee consisting of not less than nine but not more than thirteen members.

In regard of the selection of members of *Changwat* Islamic Committee, the Ministry of Interior shall proceed to have *imams* in that *changwat* undertake the selection in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The Committee shall select its members to be Chairperson, Deputy-Chairperson and secretary and to hold other position as may be necessary.

The Ministry of Interior shall publish the names of persons selected as Chairperson, Deputy-Chairperson, secretary and members of a *Changwat* Islamic Committee in the Government Gazette.

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Section 24. A member of *Changwat* Islamic Committee must have the qualifications and must not be under any of the prohibitions as follows:

(1) having the qualifications and not being under any of the prohibitions under section 17;

(2) having been a devotee of a mosque in that *changwat* for not less than one year prior to the date of selection;

(3) having domicile in that *changwat* for not less than one year prior to the date of selection.

Section 25. A member of *Changwat* Islamic Committee holds office for a term of six years. When a position of the member of *Changwat* Islamic Committee becomes vacant, there shall be selection of a member to fill the vacancy within ninety days from the date of vacancy, in accordance with the rules and procedures prescribed in the Ministerial Regulations. However, if the position becomes vacant within one hundred and eighty days before the expiration of term of office and the number of remaining members is not less than one-half of the number of members selected, the selection of member to fill the vacancy may or may not be undertaken. The selected member holds office for the remaining term of office of the person whom he replaces.

However, if the remaining term of office is no more than one hundred and eighty days, the selection of councilor to fill the vacancy may or may not be undertaken. The appointed councilor holds office for the remaining term of office of the person whom he replaces.

Section 26. In a *changwat* where there is the *Changwat* Islamic Committee, the Committee has the powers and duties as follows:

(1) to provide consultation and to present opinions in relation with Islamic religion to the *Changwat* Governor;

(2) to oversee and monitor the performance of work of Mosque's Islamic Committees in that *changwat* and other *changwats* as entrusted by the Central Islamic Council of Thailand;

(3) to conciliate or decide on a petition of a devotee of the mosque who

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considers himself to be treated unfairly by the Mosque's Islamic Committee;

(4) to oversee the selection of members of Mosque's Islamic Committees in order to ensure that it proceeds in an orderly manner;

(5) to consider the appointment and removal of members of Mosque's Islamic Committees;

(6) to conduct investigation on and consider the dismissal of members of Mosque's Islamic Committees under section 40 (4);

(7) to order the suspension of duties of a member of the Mosque's Islamic Committee during the investigation;

(8) to consider the establishment, relocation, amalgamation and dissolution of a mosque;

(9) to consider the appointment of a person acting as *imam*, *kateb* and *bilal*, where such office becomes vacant;

(10) to issue a document certifying the marriage and divorce under Islamic commandments;

(11) to conciliate, upon request, a dispute relating to family and succession matters under Islamic commandments;

(12) to prepare registers of properties, documents and accounts of revenue and expenditure of the Office of the *Changwat* Islamic Committee which are correct, complete and up-to-date, and to report the results of work, financial status and properties to the Central Islamic Council of Thailand for information once a year no later than the month of March of each year;

(13) to issue a notification and give certification in relation with Islamic affairs in the *changwat*.

Section 27. In addition to vacating office upon the expiration of term under section 25, a member of *Changwat* Islamic Committee vacates office upon:

(1) death;

(2) resignation;

(3) being dismissed by a resolution of the Central Islamic Council of Thailand due to being disqualified or being under any of the prohibitions under section 24.

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The Ministry of Interior shall publish the name of a member of the *Changwat* Islamic Committee who vacates office in the Government Gazette.

Section 28. Section 21 shall apply *mutatis mutandis* to a meeting of *Changwat* Islamic Committees.

Section 29. There shall be the Office of the *Changwat* Islamic Committee which has the juristic person status and has the duties concerning affairs of the *Changwat* Islamic Committee. The *Changwat* Islamic Committee shall be the representative of the Office for an affair vis-à-vis third person. In this regard, the *Changwat* Islamic Committee may pass a resolution to authorise one or several members to act on its behalf. The secretary to the *Changwat* Islamic Committee shall be responsible for the affairs of the Office.

CHAPTER V MOSQUE'S ISLAMIC COMMITTEE

Section 30. There shall be one Islamic Committee for a mosque, which consists of:

- (1) *imam* as the Chairperson;
- (2) *kateb* as the Vice-Chairperson;
- (3) *bilal* as the Vice-Chairperson;
- (4) other members in the number determined by the meeting of devotees of that mosque, which must not be less than six persons but must not exceed twelve persons.

Devotees of the mosque who are not less than twenty-five years of age shall convene for the selection of persons holding the positions under paragraph one.

The Mosque's Islamic Committee shall select one member under (4) to be the secretary, one to be the registrar and one to be the treasurer, and members under (4) to hold other positions as may be necessary.

The Chairperson of the *Changwat* Islamic Committee or member of the

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Changwat Islamic Committee entrusted by the Chairperson shall preside over the meeting of devotees of the mosque for selecting members of the Mosque's Islamic Committee. The matter shall then be presented to the *Changwat* Islamic Committee for consideration and appointment. This shall be in accordance with the Rules prescribed by the Central Islamic Council of Thailand.

Section 31. *Imams, katebs and bilals* must have the qualifications and not be under any of the prohibitions as follows:

- (1) having the qualifications and not being under any of the prohibitions under section 17;
- (2) being able to correctly read the *Qur'an*;
- (3) being able to correctly lead religious activities in accordance with Islamic commandments;
- (4) having ability to give sermon;
- (5) having been a devotee of that mosque for not less than ninety days before the date of selection.

Imams, katebs and bilals are not deemed to be monks or clergies.

The vacation of office of *imam, kateb and bilal* shall be in accordance with the Rules prescribed by the Central Islamic Committee of Thailand.

Section 32. The members under section 30 (4) must have the qualifications and not be under any of the prohibitions as follows:

- (1) having the qualifications and not being under any of the prohibitions under section 17;
- (2) having been a devotee of that mosque for not less than ninety days before the date of selection;
- (3) having had domicile in the *changwat* where that mosque is situated for not less than ninety days before the date of selection.

Section 33. When the position of *imam, kateb or bilal* becomes vacant, the procedure provided in section 30 shall apply in order to select a person to fill the vacancy within one hundred and eighty days from the date of vacancy.

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Section 34. Members under section 30 (4) hold office for a term of four years. When the member position becomes vacant, the procedure provided in section 30 shall apply in order to select a member to fill the vacancy within one hundred and eighty days from the date of vacancy. However, where the position becomes vacant due to the *Changwat* Islamic Committee passes a resolution for dismissal under section 40 (4) and the person vacating office has filed an objection to the Central Islamic Council of Thailand under section 41, the period of one hundred and eighty days shall commence from the date the Central Islamic Council of Thailand passes the resolution thereon.

If the member position becomes vacant within one hundred and eighty days prior to the date the term is expired, the selection of member to fill the vacancy may or may not be undertaken. The member selected to fill the vacancy holds office for the remaining term of office of the person whom he replaces.

Section 35. The Mosque's Islamic Committee has the powers and duties as follows:

- (1) to maintain the mosque and properties of the mosque;
- (2) to lay down internal rules of the mosque with the view to ensuring orderly operation of the mosque;
- (3) to implement the suggestions and instructions of the Central Islamic Council of Thailand and the *Changwat* Islamic Committee insofar as they are not contrary to the Islamic commandments and the law;
- (4) to support devotees in performing religious activities and to promote harmony and mutual assistance in a righteous manner according to the Islamic commandments;
- (5) to consider and pass a resolution to accept a Muslim to be a devotee of the mosque;
- (6) to provide facilitation and edification for the devotees of the mosque with a view to correct and strict performance of religious activities;
- (7) to conciliate a dispute among devotees of the mosque upon request;
- (8) to prepare and maintain a register of devotees of the mosque and to inspect and correctly update such register;

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(9) to remove from the register, the name of a devotee of the mosque whom an investigation finds that he acts in contravention or does not to correctly comply with the Islamic commandments;

(10) to prepare registers of properties, documents and accounts of revenue and expenditure of the mosque which are correct and accurate, and to report the results of work, financial status and properties of the mosque to the *Changwat* Islamic Committee for information once a year no later than the month of March of each year;

(11) to sight the moon and to report the result of moon sighting to the *Changwat* Islamic Committee;

(12) to promote education and to organise activities which are not contrary to the Islamic commandments.

Section 36. The devotee of a mosque whose name is removed under section 35 (9) has the right to file an objection to the *Changwat* Islamic Committee within thirty days from the date the removal is announced, and the *Changwat* Islamic Committee shall complete the consideration and decision within one hundred and twenty days from the date the objection is received. The resolution of the *Changwat* Islamic Committee shall be final.

The filing of the objection and the consideration and decision of the objection under paragraph one shall be in accordance with the Rules prescribed by the Central Islamic Council of Thailand.

Section 37. An *imam* has the powers and duties as follows:

- (1) to perform the duties in accordance with Islamic commandments;
- (2) to govern, oversee and advise staff of the mosque to perform the works within their duties in an orderly manner;
- (3) to advise devotees of the mosque with a view to correct performance in accordance with the Islamic commandments and the law;
- (4) to facilitate the performance of religious activities of the Muslims;
- (5) to instruct and educate devotees of the mosque on the Islamic doctrine.

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Section 38. A *kateb* has the duties to give sermons to devotees of the mosque in accordance with the Islamic commandments.

Section 39. A *bilal* has the duties to notify and invite Muslims to perform religious activities on time in accordance with the Islamic commandments.

Section 40. A member of the Mosque's Islamic Committee vacates office upon:

(1) expiration of the term under section 34 paragraph one in case of other members of the Mosque's Islamic Committee under section 30 (4);

(2) death;

(3) resignation;

(4) being removed by a resolution of the *Changwat* Islamic Committee due to being disqualified or being under any of the prohibitions under section 32;

(5) being removed in the case where more than one-half of the devotees of the mosque under section 30 paragraph two submit a removal petition to the *Changwat* Islamic Committee, and the *Changwat* Islamic Committee conduct an investigation and passes a resolution for removal from office;

(6) being removed in the case where the *Changwat* Islamic Committee conduct an investigation and finds that he behaves in a way that brings disgrace to the mosque, or is negligent in performance of duties, or operates the mosque in a way that contravenes public order or principles of Islamic religion, or perform an act that may be detrimental to the mosque, and the *Changwat* Islamic Committee decides to pass a resolution from removal from office.

In the case where the investigation finds that the circumstances of misconduct do not amount to removal from office, the *Changwat* Islamic Committee may decide to place such person on probation.

Section 41. A member of the Mosque's Islamic Committee who vacates office under section 40 (4), (5) and (6) has the right to file an objection to the Central Islamic Council of Thailand within thirty days from the date the order is known, and the

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Central Islamic Council of Thailand shall complete the consideration and decision within ninety days from the date the objection is received. The resolution of the Central Islamic Council of Thailand shall be final.

The filing of the objection and the consideration of the objection under paragraph one shall be in accordance with the Rules prescribed by the Central Islamic Council of Thailand.

Section 42. Section 21 shall apply to a meeting of the Mosque's Islamic Committee *mutatis mutandis*.

TRANSITORY PROVISIONS

Section 43. The person holding the office of *Sheikhul Islam* on the date on which this Act comes into force shall continue to be in office until the vacation of office under section 9.

Councilors of the Central Islamic Council of Thailand and members of the *Changwat* Islamic Committees who hold office on the date this Act comes into force shall continue to be in office for two years from the date this Act comes into force.

Members of the Mosque's Islamic Committees who hold office on the date this Act comes into force shall continue to be in office until the vacation of office under section 40.

Section 44. A mosque registered under the Islamic Mosque Act, B.E. 2490 (1947) shall be a mosque under section 13 of this Act.

Section 45. The "Islamic College of Thailand" established under the Royal Decree on the Patronisation of Islamic Religion, B.E. 2488 (1945) shall an Islamic college under this Act.

Section 46. All Ministerial Regulations, Rules, Notifications and Orders issued under the Islamic Mosque Act, B.E. 2490 (1947) and the Royal Decree on the

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Patronisation of Islamic Religion, B.E. 2488 (1945) shall apply *mutatis mutandis* until the time Ministerial Regulations, Rules, Notifications and Orders under this Act come into force, provided that such period of time must not exceed two years from the date this Act comes into force.

Countersigned by:

General Chavalit Yongchaiyudh
Prime Minister

Office of the Council of State

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